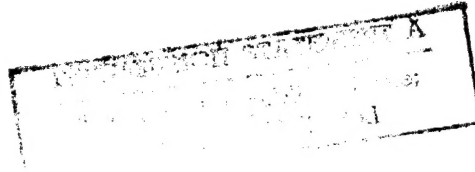


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26 March 1984



# East Europe Report

POLITICAL, SOCIOLOGICAL AND MILITARY AFFAIRS

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26 March 1984

## EAST EUROPE REPORT

### POLITICAL, SOCIOLOGICAL AND MILITARY AFFAIRS

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BRIEFS

BOOSTING SOVIET-POLISH ECONOMIC COOPERATION--Zbigniew Szalajda has met with lecturers employed by the Main Board of the Soviet-Polish Friendship Society and representatives of this organization's Warsaw factory committees. The meeting was called in order to discuss direct cooperation between large industrial plants in Poland and the Soviet Union, the brigade work force system used in the Soviet economy, and the progress of industrial automation and robotization in the USSR. [Text] [Warsaw ZYCIE GOSPODARCZE in Polish No 10, 4 Mar 84 p 2]

SOVIET EMBASSY RECEPTION GUEST LIST--On the occasion of the 66th anniversary of the founding of the Soviet Army the military attache of the USSR Embassy, Major General Aleksander Khomenko, gave a reception in Warsaw on 22 February. The reception was attended by the first secretary of the PZPR Central Committee, chairman of the Council of Ministers, and general of arms, Wojciech Jaruzelski. The reception was also attended by the following members of the Politburo and Secretariat of the PZPR Central Committee: Jozef Czyrek, Stanislaw Kalkus, Mirosław Milewski, Tadeusz Porebski, Albin Siwak, Marian Wozniak, Czesław Kiszczak, Włodzimierz Mokrzyński, Marian Orzechowski, Florian Siwicki, Henryk Bednarski, Zbigniew Michalek, and Waldemar Swirgon. Members of the coalition political party leadership bodies were also in attendance together with the president of the ZSL Supreme Committee, Roman Malinowski and the chairman of the Democratic Party Central Committee, Edward Kowalczyk. The chairman of the PRON National Council, Jan Dobraczyński, and the vice marshal of the Sejm, Zbigniew Gertych, were also present. The reception was attended by members of the government accompanied by vice premiers Manfred Gorywoda, Janusz Obodowski, Mieczysław F. Rakowski, and Zbigniew Szalajda. Representatives of civic and youth organizations, scientists, war veterans, generals, and other senior officers of the Polish Armed Forces were present. The reception was attended by representatives of the Soviet Armed Forces as well as by the chiefs and staff members of numerous diplomatic missions. [Text] [Warsaw TRYBUNA LUDU in Polish 23 Feb 84 p 2]

CSO: 2600/760

MORE ON REPRESSION OF RELIGION IN CSSR

Luxembourg LUXEMBURGER WORT in German 16 Feb 84 p 18

[Article by W. Broer, Vienna: "Struggle Between Church and State Continues. Premiums for Children's Withdrawal from Religious Instruction]

[Text] The fight against the church in the CSSR--and especially in Slovakia --continues unabated. In that country it takes great courage and willingness to sacrifice to register one's son or daughter [for religious instruction], to join a pilgrimage, and particularly to be a priest. This becomes evident in reports and documents from church circles in Czechoslovakia which recently reached the West.

For every withdrawal from religious instruction, an elementary school teacher receives a substantial premium in Tvrdosin, a small Slovak community of the diocese of Spis, CSSR. This rule caused a stir at the beginning of the new school year in this small town. Although there is separation of church and state in the CSSR, registration for religious instruction is handled by the school. The homeroom teacher normally accepts and sends on the registrations. The priest teaches the religion course, usually off the school premises.

The new school year began on 1 September 1983 in all of the CSSR. In Tvrdosin, Slovakia, the teachers of the nine-grade elementary school (Zakladni devitileta skola--ZDS) refused to accept the incoming registrations for religious instruction.

Boys and girls were turned down for religious instruction with the argument that he or she was a poor student, or too good a student, or because the father was a member of the Communist party. The teachers did not relent even when parents came personally to the school and, sometimes tearfully, demanded religious instruction for their children.

In a letter of complaint to the diocesan secretariat, the parish administrator of Tvrdosin stated that as early as 1982 a poster had been put up in the teachers' room of the elementary school in his hometown announcing that, for every withdrawal from religious instruction, the responsible teacher would receive a premium of 200 koruny.

The statement by the Tvrdosin priest, that the teachers' actions did not exactly prove their moral strength, closes with the claim that all local policies are aimed at eradicating the Christian faith which is deeply rooted in the Slovak people.

The district party secretary declared he would make certain that registrations for religious instruction would drop by 3 percent. This policy of fostering atheism is carried out on the local, regional and national level. "Christian Solidarity International" (CSI) states that, in the CSSR, all teachers are constantly screened for their atheism and loyalty to the Communist party. A teacher professing Christianity is dismissed on the spot. Any actions against religion are approved by the highest authorities, as has become apparent in the policies of past years since the "Prague Spring."

Gustav Husak, president of the CSSR, wrote as early as 1945 to the Czech Communist party [exiled] in Moscow: "In this matter, strong interventions in Catholic institutions will be necessary, whether seminaries, schools, the press, or clubs, which are the focal points of anti-democratic ideas...."

There has been no deviation from this concept to the present day; actually, it has been broadened. Recently, Catholic priests were again prohibited from pursuing their calling.

One of the priests, whose state permit to practice his vocation was taken away by the authorities, is the noted Bratislava youth pastor, Jesuit Father Homolka. He was active at the Bratislava church of St. Cyril and Method, and was very popular with the people, especially with the young. The news of Father Homolka's divestment of his priestly duties was sent on by Bratislava youth circles with the plea "to inform the whole world of this arbitrary act by the authorities against a priest whose only fault is to be an outstanding pastor."

Another case has become known in which the authorities prohibited a very active priest, highly esteemed by the people--35-year old Father Jozef Rybansky--from practicing his vocation in Modry. Grounds for the cleric's ouster was a lawsuit against the priest in which he was accused of having bought a damaged car, and after repairing it, having sold it for an "illegal profit" of 7,550 koruny. Rybansky was sentenced to 6 months imprisonment on probation, but the prosecutor's office appealed the sentence on the grounds that "the degree of punishment was too light compared to the social danger of the defendant's deed." The prosecutor's office claimed that Rybansky did not have "a good reputation," and in this context it listed the following "facts of the case." "Without permission from the authorities, he took it upon himself to promote religious instruction."

It also takes courage to participate in a pilgrimage. It has only now come to light that on 15 December the "protectors of the state" took action against the faithful on such an occasion, as for example at the Shrine of our Lady of Sastin in Western Slovakia.

Eyewitnesses report that policemen mingled among the faithful, identified individual participants, especially youths, and subsequently conducted interrogations.

The young people in particular were confronted with questions on who had organized the pilgrimage, upon whose counsel they had decided to participate, from whom they had learned about the pilgrimage initially. The youths also had to give information on their religious life. At the same time, police detectives warned the young people against "further religious activities, since they would throw away their entire future."

Among other things, the young people were threatened that they would not obtain an apprenticeship or admission to the university.

And so closes the circle.

Whoever registers his child for religious instruction, as mentioned at the beginning, endangers his own, and the child's, future. After the initial registration for religious instruction--theoretically at the age of 6--the faithful will be beset by problems. At school, the young Christian is laughed at, disadvantaged, and harassed not only by his classmates, but also by his teachers. This climate of daily terror also pursues him to the work place. He will hardly be given a better job--even with good job performance--and if he is active within his parish, he is in danger of being fired or even arrested. If he registers his children for religious instruction, he will be demoted at work, sometimes even fired.

The group of people who are interested in their faith, despite such dangers and threats, is nevertheless growing, even in the CSSR. Spring belongs to faith, not to the decreed ideology.

9917

CSO: 2300/319

GERMAN DEMOCRATIC REPUBLIC

EMIGRATION PROCEDURE, EXPERIENCES SKETCHED

Munich SUEDEUTSCHE ZEITUNG in German 28-29 Jan 84 p 10

[Article by Helmut Loelhoeffel, member of the editorial staff, datelined Berlin GDR in January: "Like a Paper Chase--Petitions With Uncertain Consequences: What GDR Authorities Demand From Citizens Wishing To Emigrate"]

[Text] "I have made a petition." This sentence from the mouth of a GDR citizen can only mean he has petitioned for "emigration," that is, for going West, usually to the FRG or West Berlin. What chicanery GDR citizens who are "petitioners" are subjected to and the obstacles they have to surmount until they accomplish their goal is told in this report.

How many want to leave the country, no one knows for sure. All published figures are speculations. Circa 10,000 may leave each year. In special cases, desperate people whose petitions were denied time and time again resort to adventurous means and skirt danger. A woman from the Erz Mountains waited for 5 hours in Dresden for the Bavarian Minister-President Franz Josef Strauss and slipped him a petition letter; a young man from Leipzig called the Bonn editorial office of FRANKFURTER ALLGEMEINE; four East Berliners and a couple from Potsdam last week sought asylum in the U.S. Embassy; several turned to the FRG legation. They were all released to the West.

Others, like blacksmith Juergen Kretzschmar (31) of Colditz (Leipzig Bezirk) who has submitted, for himself, his wife and his daughter, as many as 157 exit petitions since 1979, see no light yet after years. All petitions were turned down without explanation. Now he must fear that he, like fellow-citizens who submit repetitive petitions, may be indicted on charges of "interfering with state activity." Juergen Kretzschmar has become discouraged after "having tried everything persistently" and, as he says, "always having proceeded the legal way."

One way for leaving the GDR legally lies in "family reunification." In September 1983, the GDR government signed the final CSCE document of Madrid and published the full text in the SED central organ NEUES DEUTSCHLAND. The section called "humanitarian domain" contains the declaration of intent to be "lenient" with petitions for family reunification. Someone making such a petition, it says there, must not be disadvantaged, and official authorities should report about procedures and regulations.

## Record of a Departure

Soon thereafter the GDR government promulgated a decree in its gazette by which for the first time a legal foundation was laid for family reunification while at the same time, of course, the circle of persons entitled to make petitions was contracted. Since then, many a person has had to let himself be turned down by the information he was no petitioner, but a "supplicant." How little GDR authorities abide by the obligations their government has assumed, how humiliating the treatment of petitioners is, how uncertain the outcome of petitioning is--every case shows again each individual case is different. No one is supposed to be able to look through the system--that seems to be the system.

Heidrun Gester, 30 years of age, divorced, arrived in the West a few days ago and has made a record of her experiences. She submitted her first exit petition in January 1982. Not everyone reaches his goal as fast as this mathematics and physics teacher from Plauen. She was surprised herself.

Shortly after submitting her second petition, this teacher, fired meanwhile on grounds of "ideological unreliability," was summoned by the People's Police inspectorate in East Berlin's city-district Prenzlauer Berg to clear up some "state of affairs." She handed her ID card over to the doorkeeper, and he kept that document. After a good long hour in the waiting room, a man in civvies, presumably from the State Security Ministry, told her: "We do not consider you worthy to represent the GDR abroad." He shoved a piece of paper across the table at her--a sort of emergency ID card without a photo, which is valid for 3 days. "You may complain to official authorities, even to Erich Honecker. But one thing I can tell you right now: all will end up on my desk again," the official solemnly instructed the nonplussed lady.

At the appropriate registration office she then got a new document with the inscription "temporary ID card in lieu of confiscated ID card," called PM 12 for short. No one knows exactly what this designation in the left lower corner stands for; PM may stand for "Pass und Meldewesen" (Passport and Registration Affairs). In any case, a person with a PM 12 can no longer travel to the CSSR, which other GDR citizens with ID cards may do even without visa. And the authorities--in the GDR you have to keep showing your ID card--look at you as if you had leprosy. "When you have a PM 12, you feel like a third-class person," as Heidrun Gester perceived it, who considers herself "quite harmless." Not everyone who petitions for emigration has his ID card taken from him. "Why me, of all persons, no one knows."

The complaint registered with the police led to no result--as predicted. Actually the same man was sitting at the desk, and another man dryly informed her: "We checked your complaint. You cannot get your ID card back. There is no other appeal." Up to then Heidrun Gester had at times been dubious about her decision. At the latest after this gruff information she no longer considered any retreat. She eked out a living as a waitress and cloak room attendant and made some money as a seamstress.

In November 1983, Heidrun Gester found a notice in her mailbox that had not come by mail but by messenger. She was asked to come to the People's Police registration office "to clear up a case." The person in charge was a woman in police uniform. Without saying what it was all about, she asked: "Grab a piece of paper and something to write with" and then dictated the names of official authorities from which "debt clearances" had to be obtained: banks, insurance companies, the housing administration, the post office, the telephone company, the energy combine, and water management; furthermore, a certificate from the kreis court was needed, to the effect that "there is no charge against the above-named person." Then she handed her across the desk, without a word, the "emigration petition" form in quadruplicate, saying "and then we still need your birth, marriage and divorce certificates." To get the debt clearances together, a person normally needs about a week.

Other forms had to be filled out meanwhile, handed out by the policewoman: a DIN-A-4 double-page questionnaire with the word "petition" as a heading; a page with questions about military and reserve service; a passport photo had to be procured, and a "personal statement on the reason for the petition" had to be written. Finally, the authorities still asked for an informal "statement on real estate affairs" and a "personal written statement on having no debts to other persons and institutions in the GDR" (in duplicate). "Then you go to the city district council, internal affairs department, and apply for being released from your citizenship," the woman in uniform recommended.

For that there is another form, much like the petition already filled out. "I felt like on a paper chase," Heidrun Gester said, "you follow the markings, but what you have to do is something you only find out about on the spot."

When she had all her papers together, she went back to the People's Police, where the uniformed woman sat again. ("She probably was the connecting link between me as the petitioner and the decision-making authority I did not know.") The woman checked if everything was correct and complete. "All right," she found after having inspected everything. "And what now?" "You'll be informed." "And when?" "Three to four weeks ahead of time."

In the end there still was a 4-page checklist from interior customs, Berlin "for the customs processing of freight by persons who emigrate from the GDR to other states or West Berlin" with a "sample for specific listings of all objects" and a mimeographed form for the culture department under the city district council, "Concerning: Application for Being Certified an Unobjectionable Status." That is the application for being allowed to take along to the West what one wants to take. Triplicate listings have to be added for all books, china, glass and ceramics and musical instruments; valuables too must be listed, in triplicate.

#### The Last Trips

Early in January 1984 there was another summons, this time without giving a reason but with the advisory to bring along the ID card and 55 Marks. In the internal affairs department of the city district council there are some offices without plates on their doors telling who has which functions there. The doors can be opened only from the inside. Several women are working there. They evidently handle emigration cases.



When Mrs. Gester entered, one of the women handed her a sheet: "You sign that." That was the back of the document the handing over of which (for 30 Marks) made the release from GDR citizenship take effect.

Next stop: the People's Police registry. There, the PM 12 was taken back, worthless as it was. In exchange, Mrs. Gester, for 10 Marks, got a green "alien passport" with the serial number 003429, valid until 24 March 1984. The document got the stamp mark "valid for all states and West Berlin" and bore the friendly suggestion: "The Ministry for Foreign Affairs requests to let the owner of this passport travel without constraint and grant him protection and assistance if necessary." A visa was stamped in too, for departure (the charge was 15 Marks). The departure would have to be made by 3 February 1984, signed and sealed by the Ministry of the Interior of the GDR and the president of the People's Police, Berlin.

Then came the last trips to the customs office and the travel bureau, and still once more receipts had to be obtained on rent and energy and another debt clearance from savings banks. Three days before her departure, Mrs. Gester, with those papers, had to report to the police again. There she got the yellow money-order made out months ago for her departure and signed out.

Last Monday Heidrun Gester left the GDR. For some years she will not be permitted to visit home. It is probably noted in some file: "Petitioner departed on 23 January 1984."

5885

CSO: 2300/321



## RESERVIST ENGINEER TRAINING DETAILED

East Berlin MILITAERTECHNIK in German 6 May 83 pp 119-120

[Article by J. W. Tausche: "Certification of Trained NPA Reservists as Specialists in Military Transportation"]

[Text] In the "Bruno Schramm" unit, trained reservists from all branches and services are being certified in 6- to 12-week courses as specialists in military transportation. We make extensive use of the professional knowledge and experience of the soldiers, NCO's, ensigns and officers of the reserve who are to be trained. It is also necessary to familiarize reservists from unrelated professions with the difficult job of the railroad engineer.

Training takes place on modern equipment, which they must learn to handle. Only this can guarantee their constant state of operational readiness and solutions to the assignments facing the unit.

One company of railroad engineers, for example, can lay between 80 and 90 meters of track per hour by hand on a prepared roadbed. With modern laying equipment a platoon of engineers can attain between 100 and 150 meters. Figures like this are necessary in constructing railroad routes so that in combat the rear services can carry out their assignments.

At the start of a course for reservists, the army members are familiarized with the purpose and the principal assignments of the course. Political and combat training is structured in such a way that the unit is assured of the transmission of knowledge, practical activity and the acquisition of skills. We also utilize the experience of the railroad detachments of the Soviet army and refer to examples from the Great Patriotic War.

In its 24-year history our unit has built a substantial number of large and small bridges and laid many kilometers of railroad track. We are proud of the results we have achieved. The documents in the regimental room and in the units of our command testify to the performance and the willingness to perform of our soldiers, NCO's, ensigns and officers.

The army member in the railroad engineer company learns very quickly that, in track construction, in addition to handling the gravel fork, the tongs for rails and ties and similar tools, he also has to learn how to operate modern

equipment, including vehicles of all classes. Military railroad construction today is unthinkable without the use of vehicle-mounted and railroad cranes, bulldozers, plate-laying machines, machines for lifting and aligning rails, tamping machines and the like.

The Soviet PB-3 tractor gantry plate-layer is used predominantly as the lead machine in the array comprising "Military Line Construction." Using this equipment, sections of track can be laid or picked up on single- or double-track lines, with gauges of 1,435 mm and 1,524 mm. For example:

- 25-meter sections with concrete ties and a total weight up to 18 tons,
- 30-meter sections with wooden ties and a total weight up to 9 tons.

The PB-3 can travel under its own power on railroad tracks, on roads and on prepared cross-country routes, when disassembled it can be transported by over-the-road vehicles and by rail. On a semi-tractor truck and trailer a maximum speed of 40 km/hour is permissible. The equipment can be assembled in between 4 and 6 hours, depending on the version to be used. So it can be transported quickly, if gaps in the track have to be closed.

During operation, the sections of track are brought up with special section-carrying cars of the Deutsche Reichsbahn or section rollers and laid as follows: the complete section is pulled up under the gantry, the section is lifted and transported to the railhead, lowered and laid in place.

A squad to operate a PB-3 consists of five members. Within the group, the following qualifications are required:

- authorization to operate a tracked tow vehicle, for example, a T-100 bulldozer,
- skilled electrical equipment worker
- authorization to operate floor-operated crane installations.

The training program to certify the squad contains the following elements: legal rules and military regulations, use and maintenance, driver training/operation and examination. The main emphasis is on practical training.

During driver training/operation, the squad learns and practices covering distances using the PB-3's own power on paths and rail tracks, rerailing, variations in loading to transport the PB-3 on a semi-tractor and trailer, laying sections of track and the assembly/disassembly of the PB-3. In our view, it is practical to assemble the squad by basic vocations. Vocational basic training can then be dispensed with. But instruction must be given concerning the effect and operation of winches and pulleys, service, trouble-shooting and correcting problems. The main points are:

- energizing circuits in generators,
- winch control circuits,
- control circuits in the hydraulic systems and
- how the valves in the hydraulic circuits work.

Although experience in the training of machine operators is already available in the unit for military transportation equipment, there are still areas where the effectiveness of training can be increased. One path in this direction is the intensified use of simulators and standardized electrical and hydraulic control circuits in the training process in the next few years. One objective we have achieved is that trained machine operators are able to make full use of the advantages of military transportation equipment following their training in tactical exercises or military-economic application.

In a plate laying exercise trained detachments, using the PB-3 plate layer, reached a level per hour of five sections on the straight and three in a curve, with excellent quality. The Soviet track-laying equipment proved to be extremely reliable.

The conviction of the justice of our cause, confidence in our combat equipment, its reliability in practice, the tenacity of our instructors, all this produces combat readiness, fighting strength and the will to win.

9581

CSO: 8120/0732

EVOLUTION OF STATE, MILITARY SECRETS LEGISLATION TRACED

Warsaw WOJSKO LUDOWE in Polish No 1, Jan 84 pp 50-52

[Article by Capt Eugeniusz Bandosz: "The Evolution of the System of Legal Protection of the State and Military Secrets"]

[Text] One of the most important obligations of a citizen is to protect information involving state or official secrets, which, if disclosed, could damage the defense capability, security, or some other significant interest of the state. The socio-political significance of this issue is clearly emphasized by its inclusion in a constitutional provision. Article 93, point 1 of the PRL Constitution states that "vigilance against the enemies of the people and rigorous protection of state secrets is a duty of every PRL citizen." Keeping secret certain information pertaining to the operation of the state and its specialized organs (armed forces, security, and law enforcement organizations, state and economic management, science, technology, etc.), as well as that of political and social organizations, has always been an important factor in achieving intended political, economic and social goals both inside the country and in the international arena.

The measures undertaken with a view to safeguarding certain interests of the state and society against the influence of unauthorized elements assume the form of active counterintelligence activities as well as that of an effort to establish an efficient and comprehensive system of legal safeguards for this sphere of social life.

In the present article, which is an extended reflection on the law of 14 December 1982 on protecting state and military secrets, the author will try to outline the evolution of the system of legal protection currently in effect. In doing so, the author is addressing exclusively the issues of legal protection of secrets, the dissemination or the possibility of dissemination which does not assume the form of espionage. It is rather a manifestation of "other" activities, especially actions not conforming to the established requirements on the part of persons who, having access to secrets by virtue of their position in certain elements of the state apparatus, in political or social organizations, disclose such secrets.

Activities aimed at ensuring the proper operation of the state came into prominence during the rise and struggle for the domestic and international

position of the people's state. From the very beginning, spying and other modes of disclosing state secrets were recognized to be the gravest wrongdoing damaging the state.

The first penal law document promulgated in the name of the new political system, the military code of the Polish Armed Forces in the USSR (Publishing House of the 1st Corps of Polish Armed Forces in the USSR, Moscow, 1943), distinguished between espionage and other acts involving disclosure of a state or military secret (article 18). Making public military secrets of the Polish Armed Forces in the USSR and of allied troops concerning their military capability were recognized to be such acts.

The penal code of the Polish Army (the PKWN /Polish Committee of National Liberation/ decree of 23 September 1944, DZIENNIK USTAW No 6, Item 27) preserved the concept of distinguishing between crimes involving disclosure of state or military secrets and espionage. The decree determined the following to be the crime of disclosure of a secret: the dissemination by a soldier of information constituting a state or military secret (article 159) and failure to comply with the standing procedures for processing secret documents if it caused undesirable consequences (article 160).

The decree on protection of state published in 1944 and decrees on particularly dangerous crimes in the period of reconstitution of the state in 1945 and 1946 envisaged penalties for espionage alone. They omitted the issues of safeguarding state secrets in a broader sense.

These legal measures did not afford adequate protection for certain spheres of state and social activity. Therefore, on 26 October 1949, the decree on safeguarding state and official secrets (DZIENNIK USTAW No 55, Item 437) was issued. Its significance was immense in the sphere of legal relations. The decree not only set down the regulations outlining penalties for disclosing or providing an opportunity for disclosing information which is secret. Also, it essentially broadened the scope of legal protection of secrets and regulated basic notions, especially the definitions of the terms "state secret" and "official secret."

All information, documents or other objects which, due to the considerations of defense capability, security or important economic or political interests of the state or of allied states could be made available only to authorized persons were recognized as state secrets.

According to the decree, information, documents or other objects which for the good of the service could be made available only to authorized persons were to be considered official secrets.

The decree did not establish the kinds of information, documents, or other objects, which constitute state or official secrets. The Council of Ministers was entitled to issue a decree defining in detail the scope of these terms. While introducing the division into state and official secrets, the decree envisaged more severe penalties for actions aimed against state secrets, providing at the same time for the highest level of protection for information which was secret due to the consideration of defense capability or state security.

Specifically, the published legal regulations were intended to prevent:

- the disclosure and dissemination of information which for the good of the state or due to important social considerations should be kept secret;
- the spread of this information to centers hostile to People's Poland;
- the use of this information to the detriment of the PRL.

On the basis of this decree, the Council of Ministers issued regulations detailing the kind and nature of information which constitutes state and official secrets by way of decree No 282/59 of the Council of Ministers of 2 July 1959 on the organization of safeguarding state and official secrets and subsequently of decree No 128/71 of 2 July 1971.

The system of legal protection of information constituting a state or official secret currently in effect is characterized by comprehensive and complementary arrangements.

In penal legislation, this subject is addressed in chapter 34, articles 260 through 264 of the 1969 Penal Code, entitled "Crimes of disclosing state and official secrets" (decree of 19 April 1969, DZIENNIK USTAW No 13, Item 94; amendment: DZIENNIK USTAW 1974, No 27, Item 157).

The regulations of this chapter serve to protect state and official secrets. The code does not provide an exact definition of information which constitutes state and official secrets. It merely outlines in general the sense of these terms, vesting the authority to establish substantial criteria of such a judgment in the appropriate state organs.

According to article 120 paragraph 15 of the penal code, information the disclosure of which to unauthorized persons can damage the defense capability, security or other important political or economic interest of the PRL is a state secret. At the same time, according to article 120 paragraph 16 of the penal code, information which an employee learned in the line of duty in a state or social enterprise and a disclosure of which to unauthorized persons can damage a socially significant interest in an official secret.

Both these notions were elaborated on in a fundamental legal act outlining the procedures for protecting secrets, i.e., the law of 14 December 1982 on safeguarding state and official secrets (DZIENNIK USTAW No 40, Item 271). Accepting the definition of the basic form of state secrets contained in the code as information a disclosure of which to unauthorized persons can damage the defense capability, security or other important interest of the state, the law also specifies information concerning the following subjects to be especially protected:

- 1) defense preparedness of the national economy and state administration, the kinds and quantity of armaments, defense materiel, personnel strength, organization, structure, combat readiness and mobilization and operational plans of the armed forces; the potential and production capacity as well as

the size and types of production of the defense industry; data on geodesy, cartography, topography, gravimetric analysis and magnetic field of the Earth, aerial photography and photogrammetry, topographic descriptions of objects, installations and military reservations which are important for the defense capability of the country and the cooperation with other states within the framework of defense treaties;

2) organization of law enforcement and security organs, their equipment and the forms and methods of their operations, as well as the data identifying the functionaries of such organs and persons cooperating with the security organs on missions in the field of intelligence and counterintelligence; equipment of structures, installations, and terrains which are important for the security of the state; organization and system of guarding the state border, ciphered and coded communications of the Armed Forces, organs of law enforcement and public security, and other state services;

3) research, development, technological and design work, investment, inventions and prototypes associated with the defense capability of security of the state;

4) production of fundamental importance for the national economy, the size and location of state reserves important for the national economy, defense capability and security of the state;

5) activities of the banks associated with planning the issuance of banknotes and bank securities, storage and transportation of monetary valuables, credit standing of banks settling accounts in hard currency, banking services to special units and other matters related to banking which are of special importance for the good of the state;

6) preparations for and negotiations on entering into international treaties, including international trade agreements, as well as the content of international treaties already entered into, if their secrecy has been claimed by at least one party.

The author quotes here this lengthy catalog of the types of information constituting state secrets subject to special protection due to two reasons. Firstly, legal acts promulgated thus far did not outline these types of information in such detail, giving certain state institutions too much leeway in classification, which drew social criticism. Secondly, the fact that both decree No 282/59 of the Council of Ministers of 2 July 1959 and decree No 128/71 of 2 July 1971 were not publicized among the entire citizenry caused widespread ignorance of these decrees. Under such circumstances, it was difficult to avoid the institution of a legal error in many cases, i.e., the act of disclosing certain secret information by citizens who were not aware of these regulations.

In the current legal situation, favorable conditions exist for raising the legal awareness of the populace in this field due to the public character of the law on protecting state and official secrets and its public dissemination by way of DZIENNIK USTAW.



It should be mentioned here that the lawmaker solved the issue of the subjective aspect of the functioning of this law in an innovative way, being aware of the opportunities for comprehensive public familiarity with the law. Article 5, paragraph 1 of the law states that "keeping a state secret is the duty of everybody who has come to know it," and only in paragraph 2 of the article quoted does the law establish the responsibilities in this field for "employees" who in the line of duty have access to information considered secret. This approach somehow "overturns" the solutions previously in effect, which associated the duty of keeping secrets with a contract or another job-related relationship. Currently, the general duty of a citizen to keep state secrets deriving from Article 79 point 1 of the constitution of the PRL comes to the fore.

However, this in no way diminishes the special legal and moral responsibility of persons which the law refers to as "employees," that is to say, those entitled by virtue of their job (position) to gain knowledge of certain secret information. The point here is that, apart from the existing legal barriers, these individuals have been taken into confidence by respective state or social institutions, which is often "sealed" by a personal pledge of loyalty (military oath, oath of office, by a state employee, obligation, declaration, provision in the contract, etc.).

The objective aspect of the violation of a secret assumes the form of disclosure or the danger of disclosure (see, among other things, article 263 of the penal code). In general terms, a disclosure amounts to the failure to keep secret certain information, documents or other objects which have been determined to be secret. In principle, a disclosure is associated with making a secret known to unauthorized persons or creating a situation in which unauthorized persons gain actual or potential access to protected information.

It should be noted that a disclosure of a secret can also take place with regard to persons who are indeed authorized to familiarize themselves with secrets but of a different kind than the ones disclosed. A disclosure does not necessarily involve strictly defined individuals. The individuals may also be unknown (a public gathering, persons who are nearby by chance, persons met incidentally, fellow travelers, guests at a reception, etc.) if they are not authorized to familiarize themselves with a certain secret.

Both the law and the penal code treat the issue of disclosing a secret in general terms, without necessarily associating it with the occurrence in a form envisaged by law. In practice, disclosures most often occur in the form of:

- communicating certain secret information to an unauthorized person (persons) orally, displaying a document or an object, a taped record, a picture, etc.;
- losing a document or another object (loss, abandonment, transfer to an unauthorized person);



-- using secret information in various forms of creative activities (scientific, journalistic, artistic, etc.) which are not associated with the subject of protection.

The enumeration certainly does not exhaust the variety of forms of disclosing a secret. The above forms are the most typical and widespread ways. The lawmaker was correct in accepting the general form of "disclosure" without an enumeration involving value judgment. The occurrence of a crime (misdemeanor) does not depend on the particular form of disclosing a secret. Primarily, it is the fact of disclosure that is essential.

Additional regulations and acts specifying the duties of soldiers in these matters apply in the Armed Forces of the PRL apart from the constitutional duty of safeguarding state and official secrets, which is detailed in its subjective and objective aspect by the law on protecting secrets and the penal code. Such are, among other things, the regulations of the law of 21 November 1967 on the comprehensive duty of defense of the PRL (article 52) and the law of 30 June 1970 on the military service of professional military personnel (article 31). Moreover, specific duties of the civilian employees of the Armed Forces result from the law of 16 September 1982 on state employees (article 17).

The Armed Forces have also elaborated quite a comprehensive system of non-punitive safeguards for secrets, of both an instructive-repressive nature (Interior Service Manual of the Armed Forces of the PRL, chapter 1, section 4: "Vigilance and the Keeping of State and Official Secrets," points 17 and 18, also points 120, 182, 183) and a moral nature: the wording of military oath: "...I swear...rigorously to keep military and state secrets..."; the provision in "The Foundation of Ethics and Customs of Professional Military Personnel of the PRL" (Warsaw, 1983): "...It is our duty to combat everything that damages the good of the country..." (page 48), "...Betrayal of the Motherland is first of all a shameful act, depriving the soldier of his honor..." (page 53).

Also, the minister of national defense upheld the validity of the "Regulations on Protecting Secrets in the Armed Forces of the PRL" by issuing order 29/MON of 27 May 1983 on protecting state and official secrets in the jurisdiction of the ministry of national defense. The regulations in effect since 1976 are a compilation of procedures involving state and official secrets in the armed forces.

As follows from the above, new legislation of the PRL, and military regulations in particular, has put in order and solved a majority of issues in protecting state and official secrets. However, it should be mentioned that the very concept of protecting this sphere of social life as well as the scope and methods of implementing this protection are rooted in our people's statehood. They are subject to continuous improvement in the interest of the state and society.

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POLAND

SCHAFF UPDATES BALANCE SHEET ANALYSIS OF POLITICAL CRISIS, OPTIONS FOR FUTURE

Vienna EUROPAEISCHE RUNDSCHAU in German No 1, 1984 pp 69-99

[Article by Adam Schaff: "The Polish Lesson, Part Three"]

[Text] The first part of the Polish Lesson I wrote in July 1981.\* I wrote that essay to "find myself." The Polish events of 1980/81 called for reflexions, for an analysis of the events and their causes. That one does best by putting one's thoughts on paper. When we want to convince others, it is best to engage in dialogue with oneself. In the conclusions of those reflexions I prophesied--accurately as it were to turn out later--the defeat of Solidarity and the seizure of power by the military in Poland, unless Solidarity moderated its activities. That was half a year prior to December 1981 and the imposing of martial law.

My views at that time were, however, not so very original because a few months before (on 28 March 1981) Cardinal Wyszynski had already warned by very similar words of an impending defeat in a speech to the Solidarity leadership (the last public speech by the Cardinal before his fatal illness overcame him), but I only found out about it through a publication of 1983. His warning, to be sure, fell on deaf ears in the sway of self-confidence at that time: "So I think, my dear brethren, you who bear the responsibility for the fate of Poland, and every Pole is likely to think the same. I am no tragedian but may assert the situation is perilous. Thus I also believe that if we take too much for granted and raise further demands, we might fiercely regret later on the consequences we thereby invoke for Poland."\*\*

Without knowing those words I said something like it at the time and added that in view of the social character of the Poles it would almost be a miracle for reason to triumph in that situation, for it had never triumphed.

The second part of the Polish Lesson I wrote a year later, in July 1982 and supplemented this article with a previous text (of February 1982) I had not wanted to publish before out of regard for the "delicate" situation. That was,

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\*Cf. EUROPAEISCHE RUNDSCHAU, Vol 82 Nos 2 and 4.

\*\*Pater B. Piasecki, "The Last Days of the Primate of the Millenium" (in Polish), Rome, 1982, p 149.

as it were, a requiem for Solidarity. For a title I had chosen the popular words from the "Wedding" by Stanislaw Wyspianski:\* "Peasant, you had a golden horn . . . ." Yet that essay was not only a requiem; I also was concerned with an analysis of the situation and with a look at the possible consequences in its further development. This time, the first scenario was realized, as I had correctly foreseen, an optimistic one: There was a relative degree of stabilization suggesting the possibility of a development that did not absolutely have to end in a catastrophe.

At the present, in July 1983, while I am writing these words, after martial law was lifted, we are facing a new situation in Poland that calls for a new analysis. To it I dedicate the third part of the Polish Lesson, by which I conclude a certain period. Not in the sense that a definitive stabilization had now occurred and no new changes were coming. There will undoubtedly come more changes; all we can do is hope they will not be violent. The current moment, however, is a sort of bracket that pins together a certain period: from the birth of Solidarity to its end, from 1980 to 1983. That era was not only rich in events, not only tremendously tempestuous, but also very instructive as far as the workers movement is concerned--and not only in Poland. The events of the last 18 months in Poland, from the imposition to the lifting of martial law, require therefore a closer examination as to the conclusions that may be drawn from them, proceeding from the Polish Lesson, for the workers movement in Poland and outside (while for the second case taking into account the concrete local circumstances). I am dividing this analysis into three parts: a credit balance, a debit balance and a prognosis for the future.

In speaking of the credits and debits in the development of the last year and a half, we are rating those events and hence must say initially by what value system we judge. My yardstick lies in gaining a political, social and economic stabilization for Poland, which may serve as the foundation for the further development in all these spheres of our public life.

#### The Credit Balance

1. We must start with the "internal front" of course, it being of the greatest importance within the scope of our analysis. I already presented my view on the assumption of power by the military in Poland which imposed martial law on 13 December 1981 at an earlier occasion (in the second part of the Polish Lesson): The military rescued Poland from a national catastrophe in extremis. This view of events has terribly upset public opinion still a year ago, but now it is penetrating ever more deeply the consciousness of people, above all in the west (despite the feverish efforts above all by the American mass media that are doing what they can to counteract such a revision of the assessment of the Polish events).

Remarkably, today even some of the top ideologists of the opposition recognize that officially, like Adam Michnik, in his article, "Analyses and Perspectives,"

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\*Stanislaw Wyspianski (1869-1907), Polish poet and painter, the most outstanding representative of the so-called "Young Poland."

in KULTURA of Paris,\* Nos 7/8, p 70. The five pertinent lines in that article amount, as it were, to a cancellation of all the rest of the article, mainly of defaming those who had said the very same thing a year and a half ago. Undoubtedly, General Jaruzelski (in whom we find the representative and symbol of those forces that pulled Poland back from the edge of the abyss) saved Poland from the catastrophe of civil war in the outcome of which Poland might have vanished as an independent state.

From what happened later, even those pigheaded ones should have to acknowledge that who have not yet lost all ability to think rationally. To help them find a decision I shall quote a section of Cardinal Wyszynski's speech, which I did not yet know a year ago. That this speech was not published in extenso in the Polish press was a serious error of Polish propaganda, I think. As to the emigration circles, the hush up makes sense: the Primate of the Millenium, whom they now love so ardently, was still spat at by them unashamedly in 1980 when he came out against the strike movement. Post mortem, spitting no longer makes much sense, so they hush up. The following is what the Primate of the Millenium told the Solidarity leaders on 28 March 1981:

"Let us avoid measures that may come to be as dear as a general strike, which is easy to start but tough to terminate. It is impossible to predict what it may lead to. (. . .) For the time being we are still at home here, but who will guarantee us how long still? Who guarantees us that? Yet it is our duty that we feel at home here. We have a duty to our homeland, our national culture, to social peace and to the economy to make sure we will remain alone here as long as possible. (. . .)

"Unfortunately we depend both on the Bloc and on the system. And we must be aware those people are ready to defend their political system and their nations. Even at the expense of Poland. What difference does that make to them?! Important to them only is to preserve this order or another, or disorder as it were in their own national and Bloc-type organism. And that is not impossible. Therefore, dear friends, it is hard to be polemical in discussing this subject."\*\*

When the official political representatives told the Solidarity leaders the same, they replied they were only supposed to become fearful and such a development were impossible. But what about Cardinal Wyszynski? Did he also want to make them fearful, knowing he would die so soon? I am quoting his words here to underscore the responsibility--which includes the personal responsibility--of who heard him then in March and, although they normally make the sign of the cross every few steps, still in the fall that year, in Radom and Gdansk, passed their provocative resolutions so dangerous to the survival of Poland, among which the one to start street demonstrations on 17 December 1981. On 13 December they were--fortunately--finished with it, and there remained then nothing else but the regret Cardinal Wyszynski had prophesied of the consequences they had invoked by their approach for Poland.

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\*Polish emigration monthly published in Paris, by Jerzy Giedroyc.

\*\*P. Piasecki, op. cit., p 148. Omissions by the editor.

That much for recalling the preliminaries. What then did the martial law, lasting a year and a half, provide the sector of the internal front with? The complete defeat of the radical wing of Solidarity, hence the termination of a period of dangerous confrontation, which may be rated positively, as a relative degree of stabilization economically, politically and socially. Anyone who doubts that that is so and would rather hold on to his Polish wishful thinking, only has to read the article, "Program and Organization," in the KULTURA of Paris, No 5, 1983.

The author, using the pseudonym M. Poleski, is one of the "underground" leaders, it seems to me; guessing his identity does not seem hard. He explicitly talks of a defeat in that article; and in the course of analyzing its causes he finally arrives at an insane idea one could call nothing but an expression of despair, for he actually advocates an insurrection aiming at the overthrow of the government. We shall have to say more about that in the third and last part of my presentation, when dealing with the prospects in the further development. Here we are first of all interested in the evidence for the defeat, which some in Poland, but also abroad, seek to remove from their consciousness by the mechanism of a cognitive dissonance, which causes some sort of schizophrenia: there are facts one knows while one ignores them too.

The radical forces in Solidarity who had banked on a confrontation with the government lost their game. In the last 18 months the debate rotated around the question "who--whom?" so that one correctly speaks of an "internal front." To have won that sector is the most significant government achievement in this period of struggle for stabilization. Stabilization is a fact. If one leafs through recent issues of the Paris KULTURA (as I do regularly) or listens to Radio Free Europe transmissions on this subject and compares the news reports served there with what those inside know from their own experience, one gets the choice between two alternatives: one is amiable, that is to say, one looks at these horror stories as an expression of frustration and as an attempt to justify one's own escape, or a less amiable one, when one has to nail things down as they are and say that here we are up against a provocation.

In talking about the defeat of the radical wing of Solidarity and of a relative degree of stabilization, I am not saying everything has calmed down and the underground is "dead" and there will be no further demonstrations and so forth. All I am saying is that these manifestations are no longer dangerous, and in this regard I fully agree with M. Poleski who says that this form of struggle against the system has dealt its organizers a defeat. About the new forms of struggle which Poleski has announced we shall speak later.

In acknowledging the defeat of the radical wing of Solidarity, we have to say a few words about that movement too, lest we are in danger of throwing out the baby with the bathwater and making it all too easy for ourselves by accusing Solidarity as a "counterrevolution," as "orthodox" circles are wont to do and official propaganda in Poland recently as well. That assessment is not only wrong, but in terms of propaganda even harmful, because the purpose of propaganda must be to capture the masses and convince them that whatever is officially proclaimed is correct.

## Spontaneous Protest Movement

Solidarity evolved, not as a counterrevolutionary, antisocialist movement, but as a spontaneous protest movement--mainly by the workers--against the deformation of state power and, as it turned out later, its inability to run the government business. It was in fact a protest against the bankruptcy of state power. Official appearances sometimes pay tribute to this genesis of Solidarity, but then it is immediately forgotten again, as if that were merely a case of liturgical genuflection. What is involved here, however, is something more important--it is the truth which we must not lose sight of if we want to surmount the current crisis and the prevailing marasmus. People know what really happened, they know why the masses joined that movement, why they identified with Solidarity, and so, rejecting all the experiences of that movement as a counterrevolution can only have one effect: that the people close themselves to all counter-arguments even if they should be correct. That would make the effect the very opposite of what was intended.

In view of the defeat of the radical forces in Solidarity, one must seek an objective assessment of that movement. Initially that was a spontaneous, peaceful revolution disclosing numerous obvious deformations of the system and bringing many of its weaknesses to light. Mainly the factual bankruptcy of the party in the form it had assumed after 1968. That weighs heavily, and you cannot simply efface it by turning the clock back. Like any genuine revolution this one too, despite its defeat, has left behind a certain "residue" that cannot simply be hushed up in the future. In Poland, one cannot return to the situation before August 1980. One can destroy Poland and even liquidate it as a state, but a *restitutio ad integrum* in the sense of a normal return to the situation prior to August 1980 is impossible. Those who are responsible for Poland--domestically and abroad--should not lose sight of that. Anyone who thinks differently ignores not only the laws of psychology in general, but the psyche of the Poles in particular. And that would be dangerous.

Only now, after having set this all down here in order to draw appropriate political inferences from it, we may proceed. That is to say, we can now speak of the deformations of that movement that developed as a substitute for a political opposition party and presents a *mixtum compositum* of tendencies, from the radical right to the radical left; simultaneously, however, that movement came to assume ever more evidently outright antisocialist, and later counterrevolutionary, positions. The movement quickly succeeded in recruiting an increasing following, the "base" put increasing pressure on the more moderate elements in the leadership, and finally a radical wing evolved within the framework of that leadership alongside of which (and some thought, within that framework) agents provocateurs of various shades and origins got into the mix. There were unfortunately many circles, working on the inside or from the outside, which were guided by very different motives yet all were intent on "blowing Poland up," and that facilitated a harmonious cooperation among various agents with diverse objectives, working hand in hand to interfere with Poland's peaceful development toward stabilization based on democratic socialism.

Later, this organization of spontaneous workers' protest, i.e. Solidarity in its first phase, when it had been of a trade union character, developed into



some sort of political party outspokenly antisocialist, and in that sense counterrevolutionary, in character. Today, after the defeat, it is no longer necessary to dissimulate; therefore, this evidently counterrevolutionary content in the activities of Solidarity in its later phase is openly revealed in the words and writings of its representatives. In their primitiveness they are often downright embarrassing, especially when such primitive statements come from intellectuals who are by no means unknown. All one needs to read are the venomous most recent issues of the Paris KULTURA dripping with hatred.

Hence one must not confuse the two developmental phases of Solidarity. When one mentions the two identical names in one breath, one easily forgets that this name is multilayered in meaning and that it covers not only two developmental phases of that organization but, in fact, two different organizations. We must watch out when we talk about the defeat of Solidarity and be aware we mean this second organization--the anticommunist Solidarity pursuing counterrevolutionary goals, which its leaders today openly espouse--of this important observation I should like to make a special point. The already cited Maciej Poleski concludes his article with the following words: "With glowing hearts we may believe that communism will perish because it must. Yet we have to prove that soberly by the way in which we act." Later we shall come to grips still with the content of that article.

Here we may confine ourselves to the remark that in its fanatical hatred for communism it ends up in some surrealism that could have fatal consequences for him and his adherents. But one thing is sure (we are talking here of an important ideologue of that movement): We are dealing with a pure counterrevolution, a counterrevolution that has shed all its covers. How else could one now deal with this movement except as a counterrevolution? And that must also be realized by the adherents to the ideas of the original Solidarity, of whom there are many in Poland and who still have not understood that something has happened meanwhile and that the present-day Solidarity, the Solidarity of the radical wing, no longer is the organization with which they once identified.

Once that is understood, it will also be understood--domestically and abroad--that the defeat of Solidarity (of its radical wing) was a condition for stabilizing Poland. Then they will also understand that it cannot make any sense to talk about a rebirth of that movement, which does not mean, of course, some ideas that characterized that movement initially should never be realized. They will be. Unless, of course, the affair takes another tragic turn--for which there is right now little likelihood, and about which we shall have more to say later on.

#### Outside Interference

2. The question of the external front is the second problem that interests us within the scope of a credit balance and an analysis of the last 18 months. I deliberately use the military term, for this is indeed a "frontline" in a war conducted at this time by some western states, headed by the United States, against Poland, or rather, against the entire socialist camp.

I have written about that before but must address this matter briefly once again so that the conclusions of this analysis make sense.

The political events of the last 2 years were authentically Polish. At a particular moment they even were spontaneous. The attempt to present them exclusively as a consequence of an imperialist plot is nonsense of course; and the endeavor to find an easy explanation for everything by means of this conspiracy theory is simply embarrassing because those who are trying to do that should be quite able to think in sober political terms: No foreign conspiracy could stir up millions of people, the overwhelming part of the population in fact, unless there is at least great social discontent paving the way for such a movement.

We may thus simply dismiss the conspiracy theory as having triggered the Polish events while we are yet not denying that a conspiracy did exist and that it affected the course of events. An attentive reader will notice that these two remarks by no means contradict each other, because we are talking about two different things here. In the one case it is a matter of attributing the Polish events exclusively to outside interference, the other case concerns the role such interference played in triggering and directing these events. The first thesis is obviously false while the second is as obviously correct, and it is substantiated by a whole number of undeniable proofs.

What then was this aggression all about? Briefly, it was a matter of having Poland break out of the affiliation of the socialist camp, which was to initiate a dismantling of the whole camp. That plan was based on the "strategic games" of NATO, as blithely commented on by Sir John Hackett and his colleagues in their book about the outbreak of World War II ("Third World War," London, 1978). I have written about that book before, and if I mention it again at this point then only because of its candor about the Atlantic Pact countries' strategy against Poland. Two years prior to the outbreak of the Polish events, the course they would take was written down most accurately (no doubt an important endorsement of the thesis that the events were due to a conspiracy), with only one error in the account: it underrated the forces that would resist this attack, mainly the armed forces and the security apparatus. And that is the basic error of all aggression "planners" in operating against the socialist camp.

The choice of Poland was correct. For various reasons, which I discussed in the first part of the Polish Lesson, Poland has been and is the weakest link in the socialist camp. But the "optimistic" assessment, which suggests a misconception of the situation, provides the aggression "planners" with poor grades. When they found their expectations had deceived them, they were all the more furious--that is true mainly of the "planners" in the U.S. government. They had expected at least the need for an intervention by Soviet troops, which would then have facilitated the negotiations with the U.S. allies about missiles and about an economic boycott of the USSR.

That Poland took care of it successfully and fast and, mainly, on its own, ruined their plan and moreover compromised the CIA sensitively. That mighty intelligence service had no ideas about matters that are perfectly clear to politically conscious people in Poland, as borne out by observations from various sides, the church among them.



The "planners," foiled in their designs (mainly those in the United States), reacted by immensely boosting their propaganda attacks all over the world and by stronger attacks on intelligence agencies in Poland (that the representatives of the radical wing of Solidarity also include western agents could only be doubted by politically naive persons), until finally resorting to their ultimate weapon: economic sanctions against Poland. This whole "offensive" ended in a fiasco and only brought it about that conflicts between various western allies intensified. Europe is coming to realize ever more the futility of these efforts and begins to fear their consequences, as could have been expected. Despite the offensive and the sensitive consequences of the economic sanctions for the Polish economy, the situation has calmed down in our country and even stabilized to the point where martial law could be lifted and an amnesty be proclaimed. We were able to invite the Pope to Poland--the West had doubted to the very end that this visit would materialize--and allow massive yet peaceful religious demonstrations, attended by many millions. That helped break the boycott the United States and other NATO states were trying to organize against Poland. The Jaruzelski government even got an explicit imprimatur from the Pope, a fact of immense importance in Catholic Poland. Now we are at the point where we can tackle the next phase in the peaceful development of conditions in Poland.

#### The Americans as Paper Tigers

Thus the designs of the Americans suffered a fiasco. Not only with respect to Poland, but to the entire socialist camp. The Polish Lesson has demonstrated that in a sense we are dealing with a paper tiger. The U.S. government simply conducts a poor, a stupid policy--even in terms of its own interests. That is most clearly demonstrated by the example of economic sanctions against Poland.

No one denies that the consequences of the economic sanctions were most sensitive and perceptible among us. Without lifting them, it is unthinkable to surmount the economic crisis quickly or even to realize the economic reforms effectively. That is a fact. But leaving purely economic aspects aside for once which, at all that, do not look too easy for the West either--(a declaration of bankruptcy by Poland on account of its insolvency could in the current situation of the international monetary system have unforeseeable consequences for the West, such as the collapse of our credit banks--and that the West cannot risk), we may address the political consequences of the sanctions. The remark that they would hurt the USSR is nonsense. As to the economic boycott against the USSR, all western allies of the United States are unanimous: They plainly turn down such a boycott (the market of the USSR is much too precious), yet the aid the USSR must grant Poland does not amount to much economically while it gains the USSR great political advantages. The boycott and the economic sanctions thus hurt Poland only. And what are the consequences? Mainly, that Poland's hands are tied and that it cannot act on its own. But can that be what the West is interested in? Probably not. President Reagan, to quote the cowboy idiom in which he used to be so fluent, once again has shot himself in the leg.

This also, of course, implies an ethical element: Who is affected and hurt by such measures? Only the Polish nation, the Poles. That does not matter in politics, of course. Yet even that is not so every time. If it involves

people of Polish descent with pretensions to their Polish origin (no quotation marks here), it does count, it counts a lot even. Some remarks on that subject, incidentally.

The emigration likes to distinguish Poles from "Poles," arrogating to itself the right to the given classification. I do not mean to return like for like but will rather take it a step farther: Anyone in the new emigration advocating the economic sanctions in full knowledge of who is hurt by them surrenders his pretensions to being Polish (no quotation marks here either). Regardless of the titles or honors such persons may have acquired. When someone writes a letter to the FRG government, for instance, requesting to grant Poland no aid. The loathing of such an approach disqualifies itself.

A few words in this context about two persons, where a very special aspect interests me. Recently three persons were sentenced to death in absentia in Poland on grounds of espionage and treason: the former ambassadors Spassowski and Rurarz and the head of Radio Free Europe, Najder. Najder does not interest me in this connection. But the matter of the two former Polish ambassadors-- Spassowski to the United States, Rurarz to Japan--is something else again. You do not often find traitors in such high and responsible positions. Admittedly, I have gained some satisfaction from this business with those two. Why? Even in Poland few only know that those two gentlemen were exposed and exclusively cynical "Knights of March 1968." Their example shows what the morality of those elements amounts to. Purging public life of them is a prerequisite for returning to tolerably normal forms of social life in our country. Are these people Poles? President Reagan thinks they are, and he honors them accordingly. But us in Poland, this example should help in probing our conscience.

#### Dialogue Between Government and Church

3. The third important positive element in the period under review here lies in setting a basis for a dialogue of cooperation between government and church which might possibly pave the way for stabilizing the country. We shall return to this subject in detail and only try briefly here to bring out the various elements in the situation.

In talking about a dialogue of cooperation, I wish to emphasize that this does not concern the traditional dialogue between believers and nonbelievers that focuses on the religious problems. Those matters are of secondary importance in Poland today. In our country, where at least 90 percent of the population (and that includes the party members) are believers, this becomes a dialogue between believers divided by political and social views, becomes a matter of political ideology. The main element of that dialogue are the political and social problems all citizens share. It is often ignored that, with all their differences, all Poles take part in common problems--though they may assume them, and even resolve them, differently--in the center of official politics. That makes a dialogue on these matters so important, a dialogue which, without denying differences in viewpoints, keeps aware of the community of goals--a positive solution of the issues raised.

The parties to that dialogue are the government and the Catholic Church, two structures, in other words, that have recently gained much strength for their positions and thus are playing a special role in the life of Polish society. Saying this, I must specify these terms clearly.

I speak of the "government," not of the "party," though there are close ties between the two, as one knows. I have two reasons for it. For one thing, because "government," synonymous with political power, embraces not only one party even though it plays a privileged role in political life. And then also, because that party is in a state of permanent crisis, which we shall discuss later when we come to the debit balance. Its dangerous internal disruption also is suggested by the position it is taking on dialogue with the church. One of its factions not only denies the positive value of the church, it even advocates curtailing and opposing church influence. This involves a political conception contradicting a policy of dialogue with the church. The "government" in its present form, which we might as well call concretely the "General Jaruzelski government," on the other hand, has taken an unequivocal position on this issue.

In talking about the (Catholic) Church, the institutional problem is simpler, though even here an explanation is called for. The point is that we know (and I wrote about it in the earlier parts of the Polish Lesson) that even the church is not uniform in Poland, but that there are sharp differences of opinion within that institution with respect to the themes that interest us here, there even being an internal struggle which--let me put it cautiously--even questions the position of the primate who in this regard is carrying on the Cardinal Wyszynski line.

In this context I have written in the past that the church in such cases has a natural arbiter in the form of the Pope, all the more so since he is a Pole himself and relates closely to Polish problems. One of the most important aspects of the most recent papal visit in Poland was the fact that John Paul II made a clear decision in this matter: At the bishops conference he brought his whole authority to bear on backing Primate Glemp and identified with his standpoint. The situation then is clear in that we, when speaking of the "church," refer to the church that is following the line of the Pope and of the Polish primate. That does not mean that the "extreme" faction within the church has been checked for once and for all, but the church is an institution that can more easily cope with such manifestations of lack of discipline than can the party.

We mentioned above that both dialogue partners have recently gained much strength for their positions politically as well as socially, which no doubt will have a bearing on the eventual social consequences of the dialogue. And what do we mean by that remark?

As to the government, we explained the meaning of our contention above. The government has to fight constantly against many difficulties and has even suffered some defeats, of which we shall speak again when we come to the debit balance, yet the government today is much stronger and more firmly consolidated than at the time it decided to impose martial law. And this despite

all efforts by the extremists within, the desperate efforts of western propaganda, and the U.S.-initiated economic offensive against Poland. That is an important lesson for the extremists inside and abroad. The church itself has drawn appropriate inferences from it, all the more so since the church representatives thinking rationally and not in categories of wishful thinking are aware that any change in the current situation is bound to be bad for the church, some constellations might even be dangerous. The church is also backing the prevailing state power because it needs it. That, incidentally, relies on reciprocity and provides a certain guarantee, it seems to me, for success in the enterprise.

How strong the church influence has become in Poland is best proven by the 7 to 8 million who attended the pilgrimage of John Paul II in June last year. That not all attended the festivities for deep religious reasons only undergirds my thesis. Nothing like that ever happened in Poland. Whether one likes it or not, it proves, to quote the greatest Polish poet Adam Mickiewicz, that the hearts of the people are governed by the church. All the more so in a crisis period, when the people find their only support, mainly their moral support, in the church. This is not the place to analyze church influence on Polish society which is, by the way, nothing new to comment on. I wrote about it already, in the first part of the Polish Lesson: The roots of these phenomena are of a political-social (the role of the church in the eras of partition) as well as of a religious nature.

I only wish to reiterate here one thought formulated before: The social influence of the church has grown and is growing in recent decades not so much because of any church activity but rather because of the mistakes made by state power. It was enough for the church to keep out of politics and keep its "hands clean," whereby it became, quasi automatically, the centerpiece of opposition against all evil, and the center of the belief that a change in ideology could improve everything. Apart from that, it is, in any case, a fact that the church is a great institution today that makes the dialogue with society possible. And that is what state power needs, indispensably so, in fact.

State power needs the dialogue, but so does the other side. When you have that kind of a partnership, the chances for success are real, it being of mutual interest. With respect to the national interests, this is an extraordinary chance--a chance to find a way out of one of the worst crises in the history of our nation. But we shall say more about that later, when we come to the prognosis for the future development of Poland.

#### The Debit Balance

Understandably, it is less pleasant to write about negative points than about positive points in analyzing the events of the most recent era, and it also is clear that all who take part in it will more critically judge any assessments given. Without a detailed analysis of negative phenomena, however, any assessment would not only remain incomplete but it would distort the picture of reality and make impossible an analysis of future prospects--which is the most important in practical terms. So I shall attempt such an analysis without troubling about taboos or likely rejections from some readers.

The negative phenomena in the era under review here are in part a "legacy" of the past and in part also caused, or at least reinforced, by most recent events. Which belongs into which category is to be set down accurately in the following. Our selection of issues to be analyzed will of course be selective and confine itself to three sets of problems: the economic crisis, the crisis in the relations between state power and the citizens, and the internal party crisis.

1. The economic crisis is of course among those phenomena that state power "inherited" from the past in the martial law period. That it could not be surmounted in the course of 18 months is understandable if one considers how deep the crisis is and the various aspects that are complicating the situation as well as the American economic sanctions setting up an extra obstacle on the way to recovery. To solve all these problems at once was simply impossible. But the continuation of the crisis and its negative effects on all branches of collective and individual life undoubtedly constitutes a danger to further development. And more than that: Unless we succeed in overcoming the crisis, the stabilization of political and social life in Poland will get stuck half way, if it goes anywhere at all. It is therefore all the more important to become aware of all the aspects in improving this situation, a situation the surmounting of which reminds a bit of the squaring of the circle, yet which must still be surmounted if we want to stabilize our sociopolitical conditions.

Which then, in speaking of our economic problems, are the principal ones?

First--and that impresses us at once--we are talking about Poland's high foreign debts (circa \$ 27 billion). Foreign indebtedness, in view of the growing interest burdens (credit redemption is out of the question for the time being), is certainly a serious problem, and yet I believe in our crisis right now that problem is not absolutely our priority problem. Our total indebtedness, it now turns out, is not all that high if we take our country's natural resources and the potential weight of the Polish economy into account (let alone Brazil's debt of \$ 90 billion, Mexico's of \$ 80 billion; and the so likeable "self administered" Yugoslavia managed to make much higher debts per capita than Poland in the same period). One could discuss at length how this indebtedness came about, but it is more important to analyze, it seems to me, what has been done with these loans--which is actually the question, though public opinion in Poland often ignores that. But that simply is what happened. Foreign banks perfunctorily handing over sums of billions to spend-thrifts carry part of the blame. They should have known what happened with that money (but perhaps they did know it, too).

All one can say now is this: Gentlemen, we shall redeem our debts in 5 to 10 years if you lift your sanctions against us and grant new credits for our paying you our interests. Yet, in a case like that, would that not threaten Poland with bankruptcy? Not so because, as explained above, that would be more dangerous to Poland's creditors than to Poland itself. Our most important creditors in the world of banking would have to declare insolvency if the credits granted Poland showed up on their loss accounts, and that would cause a chain reaction. In the current unsafe situation of the international monetary system that could easily lead to gigantic bank failures with unforeseeable ramifications. That the West cannot afford; it would be too risky.

Except for its honor, Poland is not risking much. A declaration of bankruptcy would rid us of our debts and of our liquidating them, and there would be some disadvantage in having to pay cash in foreign countries, unless third countries assume our credits. The creditors risk much more, and that is why they will not let us go bankrupt. Not out of humanitarian sentiments, but out of sensible self-interest. I know what I say sounds cynical, but that happens to be the way it is with indebtedness at the international scale: the debtors extort the creditors. Sad that we too have to join this game, but we have no other choice. In any event, in that we do not find the chief danger to the Polish economy.

#### The Responsibility of the Planners

The second and much more important and dangerous problem in terms of our economic development lies on the investment front. This is another problem the present government "inherited" from the Gierek era in which field that "era" undoubtedly created the heaviest damage. In what direction did the investments run? What about economic effectiveness (on the domestic market and in export)? How many investments were totally or partly frozen and thus condemned to economic death because they inevitably become obsolete?

It is not a matter of implacably telling public opinion about it; I fear people could not tolerate the weight and range of such information. But inside the government it must be known in detail (and it did receive the relevant information recently). Without such an analysis the situation cannot be cleaned up. We have to throw overboard whatever can no longer be salvaged and, with it, get developments on the right tracks. That makes it imperative to draw the pertinent conclusions regarding our planning system. Experience has taught us that system has been useless. The planners are fully responsible for everything that happened under the Gierek-Jaroszewicz government. How could that happen? Was it perhaps because the planners were cowards, knuckled under in being unreasonably dictated to from "the top," or the whole differentiation between "government and party" was switched on wrongly, a system where not the ones who have the knowledge and qualifications have the say-so, but those who occupy the proper positions that guarantee to them from the outset that they always know everything better?

Unless that problem is solved, it is not worth talking about economic reform. In terms of the structure of our economic and social model, we are and remain a country with a planned economy. The problem, however, is to find out what "planned economy" actually means. That is the effort on which the economic reform should mainly concentrate. All efforts in this field are vain, however, unless we resolve the problem of the orchestration and the institutions of economic planning.

This calls, above all, for a planning system which places all questions--regardless of what the planning in terms of centralism and of the self-administration of the lower organs amounts to--in the hands of competent people who are selected according to their expertise and not their membership in a "group" and their obedience to "authorities." We have enough experts in Poland to set up excellent planning organs. One only must let them work. And that calls for structural changes in the system.



A third and exceedingly significant problem is that of labor productivity. It is very low among us in comparison with developed industrial states and shows no tendency to rise---despite our stabilization. We did succeed in stopping the dangerous slump in production caused by strikes, shutdown and unjustified reduction in working hours (free Saturdays). Still, productivity is not growing. There are several causes for it: Shutdown due to raw material and spare part shortages, lack of motivation among workers and lack of interest in outputs, the wrong organization of the labor processes, and obsolete technical facilities.

In talking about these problems, we must reiterate they were "inherited." Even the best government could not rapidly overcome this syndrom of production problems, but here we have to deal with the extra burden of economic sanctions.

As the fourth problem we are facing the organization of the labor process and the modernization of technical installations. These two problems belong closely together since the technical installations determine the forms needed for organizing the labor process. I enjoy the advantage of an "outside" observer who can leave the implementation of tasks to experts working on the economic reform, and so I would like to confine myself to one remark: Poland has to catch up in the development of microelectronics and the automation of labor processes that comes with it.

Rough estimates by our "Committee for the Year 2000" tell us that when our technology is appropriately converted, labor productivity can rise by circa 300 percent. Then we would of course, like the West, face the problem of structural unemployment, yet the problem of labor productivity we could resolve on a level in line with that of the developed industrial states. We cannot get around that. The alternative would be economic catastrophe, triggered by our products' loss of competitiveness on the world markets.

If one tries to solve the problems of the economic crisis without including the totality of these problems in considerations and developmental perspectives, all efforts are doomed to fail from the start. I am putting this down here because the knowledge about these matters and the necessary changes implied come slow in Poland. In addition to the ignorance of the decision-makers in this field, as I had to find out in practice, the frustration of the technical intellectuals plays a big role, as they no longer believe in the implementation of their demands and have given up their struggle. That then not only bears the risk that through a wrongly conceived development we might move toward "obsolescence" (a term coined by the Americans), but also that we suffer the loss of the greatest wealth distinguishing us, despite all difficulties and crises, from the third world countries, the technical and scientific personnel, still on a noteworthy level but increasingly going abroad, and this not because they can make more money there, but find better work and qualification opportunities (and this is already an ongoing process).

Fifth: Unless the economic sanctions are lifted and we get new credits from abroad, these problems certainly cannot be satisfactorily solved. That seems clear enough, yet we must reiterate it once again, be it only to relieve the government, making desperate, if not always successful, efforts in this field, of the odium of failure. Poland is, industrially and technologically, much

too much tied in with the West to get along without its help now. Yet the advice to shed the ties with the West and lean more on the East instead is inconsequential right now. It simply is impossible to alter the entire technological base of a country in a short time. Furthermore, it is not even sure that it would be very beneficial.

What I have said here shows how tough the situation is in this regard; that all other social and political efforts become dubious as long as this situation has not been straightened out; and that this negative situation, while it cannot be blamed on the current government, yet constitutes a negative aspect that heavily encumbers all our public life. The observation is pessimistic but, alas, correct.

#### Socialism Without Consensus

2. Whereas the economic crisis belongs among those negative elements of the era in question that were "inherited," the exceedingly significant question of the relations between government and society can only partly be included in that category because the imposition of martial law--regardless of how necessary we think that step has been--has certainly exacerbated the negative aspects of those relations and caused many difficulties in this field in the first place. To keep the proper perspective in this matter, let us state that the "wall" between government and society (and in this sense the alienated character of state power) is nothing new that only arose with the imposition of martial law. That process, rather, has lasted all through the postwar period, even if its intensity has varied from time to time.

The problem lies in the fact that socialism was "imported" in Poland although the objective prerequisites for it, as postulated by Marxism, as well as the subjective conditions, i.e., the social consensus, likewise postulated by Marxism, were lacking. To realize that such a revolution is bound to be a "cripple," one need not resort to the testimony of the classic Marxist authors; all one needs is good political common sense. Every Marxist must realize that, and that is not changed either by the attacks upon me in the Polish press from the conservative wing of the party, in which I am falsely being accused of having distorted the basic theses of Marxism. The situation in Poland is that not only the social consensus was lacking on introducing socialism after the war, but there also were very concrete indications of resistance against such plans. I have written in greater detail about that in the first part of the Polish Lesson. We must clearly distinguish here between the seizure of power by the party that represents the working class and the tempo in social changes meant to lead to socialism. A classical example of it was the collectivization of agriculture from which one took distance later in panic (1956) only to vest now (some 25 years later) private peasant property in the Constitution. If the seizure of power under the prevailing international conditions was necessary then, the speed-up in realizing socialism yet was an error.

Some elements we discussed in greater detail in the earlier parts of the Polish Lesson had the effect that the "wall" between state power (the party) and society not only persisted but even grew higher. The successive outbreaks in 1956, 1970, 1976 and, finally, 1980 clearly indicated an intensive and ever better organized opposition, mainly by the workers, existing under the seemingly calm surface of public life.



This "wall," in the sense of a rejection of the activities of the state power by the population, is of course an element the government of the martial law period "inherited" from the past. It was not its fault. But the martial law period has exceedingly intensified that phenomenon. It is not a matter of finding the state power "guilty" while recognizing the public need for the step that spared us a national catastrophe, but of stating a fact that heavily burdens the current situation and the prospects for further development. What then brought that phenomenon about?

We must keep in mind--that is important for properly understanding the situation and the steps that are possible to change it--that Solidarity had the overwhelming majority of the population behind it, showing solidarity with it and, above all, with its critique of the prevailing situation and the public organizations responsible for it. It may well be true that, especially in Poland, it is easier to unite people on the basis of a critique of prevailing circumstances than on that of a positive program. But a fact is a fact, and this one was still further reinforced by the mystification of wishful thinking which has such deep roots among us. The sudden strike crushing these "dreams" caused shock. Inevitably, people then blamed those who had caused the shock. And this is where rational thinking normally ends, particularly in a population with a notorious inclination toward irrationalism.

Then the situation became tough, for which the state power should not be blamed, however, much though it had invoked the situation: it had to be that way. Another question is whether all attempts made to deactivate the situation--and enormous attempts were in fact made--were always well conceived. But that is already a matter of judgment, which is exceedingly tough and risky in view of the many variables that have to be taken into account. The question of the societies of creators of culture that had to be disbanded one after another is spectacular, to be sure, but of minor importance as far as the masses were concerned--the working class and the farmers--even if it may not seem that way at the first glance. We can leave that aside here because it would shatter the framework of our considerations; moreover, that often amounts to much ado about nothing.

More important is to come to grips with those aspects that obstruct a general resolution of the "wall" problem. Above we spoke about the economic crisis. When people are doing well economically, one finds--in Poland for sure in any case--that the rest is of minor importance. Now we are addressing the problem of the party, which in our system is inseparable from the power apparatus--not only in terms of what people think, but objectively, too. Here we come to a subject that likewise, to be sure, is a "legacy" from the past but could have been restructured by the present state power--for which reason it bears the blame for this exceptionally important part of the debit balance in the era under review.

### The Party Crisis

3. The crisis in the workers party is a problem weighing still more heavily than the economic crisis on the list of negatives in the era under review.

In the model of the countries of real socialism, the workers class plays the role of the leading force in the state; in our country, that has even been put into the Constitution. The problem is that the party has nominally retained that leading role but has factually lost it. To avoid misunderstandings: The link between the party and the apparatus of repression (the military, militia, and the security service) has brought it about that the forces of repression remained in party hands (though the seizure of power by the military and the setting up of institutions by the military, with WRON\* on top, even in this regard complicated the situation, as we shall show below), yet it would be the height of primitivism to attribute the party's leadership role to that only. The rest, which Gramsci so nicely calls the "ideological-moral hegemony," (and to that hegemony precisely he related the function of the dictatorship of the proletariat), the party in Poland has lost, however, on the tortuous paths through its history, mainly in the postwar period, i.e., in the phase of the construction of real socialism. In any event, in the martial law period, state power, heir to the preceding period, became a totally compromised party in the eyes of society (it is worst when, instead of rejection or even hatred, it is still merely treated with contempt); internally corrupt (which the party itself, incidentally, is trumpeting about, even if this is often meant to serve the discrediting of competitors rather than a search for truth); torn in factional or, rather, clique fights; and above all, and this is the worst, factually nonexistent, because the brave "fighters" of peaceful times have learned from the rats the art to leave the ship when things threaten to get risky (and that is true not only of the plain members but even of the so-called activists and the apparatus).

So it was in 1970, so it was in 1976, but the real climax came with the 1980/81 events. Where were all those thousands of party members of the Gdansk Lenin Shipyards, of the big metallurgical plants, of the mines or of the colleges hiding at that time? Where were they in these 2 years when the icy wind of history was blowing? Gierek was fond of talking of the 3 million-member army of the communists in Poland; what happened to them when the fights began? Did he confuse the number of party members with that of the communists? Experience teaches us we must not confuse these two categories of people. Sad it is, but it is true. What is one to do with such a "leading force" when one has to face the struggle and face up to the enemies of socialism?

Often one hears the question: How could that happen? What caused such decay?

To answer that question we should have to write an intricate historic-socio-psychological study going back far to the years of the CPP, great in fighting spirit but destructive to personalities. That study would have to take us through the twists of the postwar years, when the party members were almost deliberately crippled by poor selection. The fatal influence of an education in the spirit of obedience in exchange for the privileges as a member of the Praetorian Guard. Here one should have to mention the destructive influence of the inevitable alienation of the party, due to its "crippled" revolution, "eaten up" by a society that rejected socialism but--whether it wanted it or not--still supplied the party with new blood. Against that background, one

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\*Acronym for Wojskowa Rada Ocalenia Narodowego (Military Council for National Salvation).

begins to understand how in a party which according to its official ideology is committed to internationalism nationalism and racism could spread and why that party is so susceptible to clique fights that still paralyze it in its activities today. The history of March 1968 is most instructive in this regard, but no less so are the events in Gdansk in December 1970, the genesis and true course of which cannot be concealed forever.

This of course is not the place for coming to grips with these problems. I have, by the way, dealt with these problems from a theoretical point of view in my book, "The Communist Movement at the Crossroads," and from the practical Polish point of view, in this Polish Lesson. Both studies became targets of attack from the conservative wing of the party. But except for insinuations and insults, I actually ran into no objective arguments that would have indicated to me that the problems were properly understood. I can inform those who are conducting such actions, with satisfaction, that a large number of copies of my book was published in the People's Republic of China, where it is meant to serve as discussion material for the party activists; and I was even invited to come to China. Is the PRC then truly the only socialist country in which thought is given to the problems of socialism and the motto, "open thinking" is realized? To be fair about it, I do not wish to conceal from our "orthodoxy" that the book also is being translated in Yugoslavia.

At this point then I shall not go into the genesis of that phenomenon but only state that it is there: State power during the martial law period did not have available that important instrument in that critical period that was to represent the workers class as the leading force in socialist society.

Looking at matters that way, one might say there is still another negative element on the list of negatives in the era under review that is a "legacy" from the past and complicates surmounting our crisis. In this case, however, the problems are not confined to that aspect. In this regard, mind you, state power could have done something; not doing something had negative consequences with ramifications hard to guess at today. State power committed an error that might have historic consequences and can still become very expensive for us, not only for those who committed that error, but for all Poland.

Wherein then lay this error? In that in the night of 13 December 1981, when martial law was imposed and the existing organizations were suspended, the party was not dissolved along with it. That would have been an opportunity to get rid of the ugly "hump" inseparably tied to the party, in public opinion, and lay the foundations for a new party without that burdensome "hump." That soundsshocking, but only at first. A historical model exists for it that was successful: Hungary after 1956. When Kadar dissolved the party in Hungary, it had been inflicted only with the error of Stalinism and therefore was hated by the population. In our country things were worse. The party was by no means only politically discredited, it was subject to general contempt and therefore disqualified as the leading force in the nation.

Could we have dissolved the party in December 1981? Of course! There was no force in the state that could have resisted it, and the population would have welcomed the dissolution of the party with enthusiasm. Abroad, i.e. among our

neighbors, there was fear of the political consequences of an eruption in Poland and a then inevitable intervention. So one would have accepted the dissolving of the party there as a fait accompli, while probably also remembering the successful course of similar action in Hungary, which had smoothly passed across the scene even though it followed a bloody tragedy, which Poland fortunately was spared.

I do not know how this error came to be committed, only know it was committed. And what are now the consequences? Mainly one has wasted an important chance for affecting, and attracting, public opinion--which the political game in that period could have changed from the bottom up. If the military had also dissolved the party (and promised to replace it by a new one), the overwhelming majority of the population would have been behind them, interpreting the intentions of the new state power as conforming with the interest of the whole nation, not only of that of the party. That also would have foiled all the efforts of enemy propaganda, which sought to present the whole matter as having been imposed by the neighboring states. That chance was missed.

The error had another consequence which was no less important. As the state power could not rely on public support--many being clearly hostile to it--it had to rely on what was left of the party, and that was the apparatus. Thereby it became hostage to the apparatus pursuing the so-called "hard" course. That also is the reason why the state power so easily yields to pressure from the "apparatus," which often blocks all liberal approaches because it factually follows a different political line. About these problems much could still be said.

I still want to mention another consequence of that situation: the strife among inner party groups that greatly paralyzes party activities. The factions have a long history going back at least to October 1956 and the opposition of the so-called Natolin Group against Gomulka.\* Later, particularly after 1968, the factions degenerated into Mafia-like groups, rallying around "bosses" stubbornly fighting one another.

No wonder that this helps further intensify the party crisis. Its alienation from the population deepens and hundreds of thousands of members turn their back to it (approximately half a million in the period under review), being simply ashamed of belonging to that party. That expresses a status that is downright tragic.

Another element of the crisis is the growing "revolt" by the apparatus against the military. For the time being, it is still a revolt on knees, to be sure. The matter is that the military fill posts that either were vacant or made vacant by them with officers. Such a personnel policy makes perfect sense. Such people may not be more liberal though they may be more competent than members of the party apparatus, yet they show more discipline to the state power (when assuming their new posts they still retain their military positions, which keeps them under military regulations). For the apparatus, that is a

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\*A group of conservative high party members seeking to prevent by all means Gomulka's return to power in the fall of 1956. The name refers to a mansion outside of Warsaw in which the group normally met.

hard blow. Those, after all, are posts and perquisites it is entitled to under the laws of "nomenclature." Thus the "apparatus" was pushed out of its power positions--an ongoing process--although in its view the military were only supposed to create "order" and after that return to their quarters.

So a certain competitive situation evolved unprecedented in the whole socialist camp and paradox in so far as the military, by no means "liberal" in attitude, are putting brakes on the efforts of the "apparatus." That the apparatus does not simply want to take that, is understandable. It only is waiting for its "chance." That creates an extra danger for the state power as hostage. And so, every Central Committee plenum in Poland is preceded by nervous tension: do we now get the final struggle or not? General Jaruzelski's government is out of its enemies' reach--especially after the papal visit, which has strengthened its position. But the waiting continues--perhaps the enemies will get their "green light" tomorrow because the government has failed in one thing or another. That is what I had in mind when I said the state power had become hostage to the apparatus. Which of course also means the state power can be stopped in its activities and initiatives. That did not work in the case of the papal visit when the state power won (while risking much however), but the question arises whether that will always be so.

Those, by and large, are the consequences of the basic error of not dissolving the old party. Can this error not be corrected again, though?

The moment when the problem could have been solved by dissolving the party, clearly has passed. Something like that cannot be done simply and in cold blood. Yet there still is something that could be done. At least as far as the role of the apparatus in the party itself and in the state is concerned. That is a problem, however, which we shall deal with when we come to the further developmental prospects of the current situation.

#### The Prognosis for the Future

Against the background of the credit and debit balances for the period under review one can think about the prospects for the future development of the Polish situation. In practical terms they are of a priority importance, mainly because they allow us to formulate certain postulates addressing the politics of the moment and may help reach the envisaged goal and get the country out of the crisis. I shall present these conclusions and draw two possible scenarios for further developments, as I did in the two previous parts of the Polish Lesson. But before I address that important matter, I should like to formulate a few general explanations for possible--and impossible--courses in the development of Poland, which will make my further tasks much easier.

#### A "Way Back" Is Precluded for Poland

Three reasons induced me to put these simple thoughts on paper, which are extremely important thoughts, however, in the context of this study: Letters from readers who read my articles last published in the Polish press; certain remarks in polemics published in response to my work; and the positions taken

on the Polish events after the imposition of martial law by some parties committed in one form or another to Eurocommunism. I am not only concerned with removing misconceptions and errors and correcting what I think are wrong positions, but also with presenting positively my views on these problems that are so important for the further development of Poland. So let me begin with the last point.

Regardless of which of the group fighting against others within the Polish "power elite" takes over the control of government, the country's system in my opinion will still be socialist, even if the forms in which power is exercised differ from case to case. This is important: Poland remains a socialist country within the camp of the socialist countries. There are two reasons for this contention: First, Poland has a great number of procommunist forces with a mighty repression apparatus that can repress all counterrevolutionary activities in the country; second, the geopolitical location of Poland, surrounded by socialist countries that would have to see in any attack upon the socialist system in Poland (even if only for reason of its geopolitical location) an attempt at "dismantling" (I deliberately use the term of our opposition) the socialist system in the world at large and are strong enough to defend themselves against any such attempts from the outside.

A system change in Poland could result only from war. But because the anti-socialist side has no chances in a conventional war (which has of late been admitted in all candor by NATO, and from which certain circles concluded that therefore any armed conflict in Europe between East and West would at once have to escalate into nuclear war), all that is left is nuclear war. But since Poland in such a case--as official announcements from NATO circles reveal--would be one of the first targets of a nuclear strike (again due to its unfortunate geographic location), it is a moot question to ask which system would rule a nuclear cemetery--there then being no more system at all.

This is a sober observation of irrevocable facts. Only that those friends who want to live in dreamland do not like it at all, and there are many of them among my correspondents. Exclamations such as "that can't be!" or "that's impossible!" are no arguments, however. For that I have only one answer: Ladies and gentlemen, stop dreaming a la polonaise, that leads nowhere; we have to live in the real world and seek to make that as sound as possible. The alternative is suicide. That would be stupid because it gets us nothing.

In having nailed down facts above, I must evaluate them, too. An evaluation relates to a value system. I make my evaluation as a Marxist and a communist and say: To preserve the socialist system in Poland makes sense--while I say nothing about its form. And this for two reasons: for one thing, on behalf of Poland itself because upsetting the system would invoke the danger of civil war and jeopardize Poland's western borders, which are guaranteed only as long as Poland remains in the socialist camp. Then also, the attempt to "dismantle" the socialist camp could easily turn into nuclear war. No communists in the world--whichever group he may belong to--can be indifferent to what the correlation of forces between socialism and capitalism in the world looks like, and that is another argument for all who espouse Marxism and communism.



All the more odd is the standpoint some Eurocommunist parties have taken on the Polish events. This is especially important to me because I have solidarity with their standpoint when they observe it is necessary to lend socialism a different form in highly developed industrial countries from what conforms with the Soviet model. It means they think of socialism as a higher form of democracy than bourgeois democracy, and that implies a political and ideological pluralism, respect for civil rights and a dictatorship of the proletariat which, with Gramsci, constitutes a political-moral hegemony, based on public consensus about the socialist social system.

As far as the Polish events are concerned, however, the standpoint of those parties, I think, is all wrong. I understand the shock they got from the Polish events, above all from the military seizing power. Not only in terms of the doctrine (no "saint" in the socialist pantheon foresaw something like that), but simply because they were afraid of negative consequences for their party in their own country. Yet belonging to the socialist movement also means a solidary responsibility for all that happens in that movement--good and bad.

Unfortunately, all that has been happening for years in the countries of real socialism in public life, men's living conditions and mainly also in their civil rights, is the worst counter-propaganda for the communist movement in the West. People in the West do not accept anything like that, the workers do not either. So it is enough to identify the communists in the West with what happens in the countries of real socialism, and one has in hand the best propaganda weapon against them and can isolate them splendidly from society (which also explains the dwindling influence of those parties). No wonder then that they show allergic reactions to all that happens in public life in the East if their own populations might reject it. In 1981 Santiago Carrillo said to me in Madrid: "It is enough for something to happen in Poland (he thought of a Soviet intervention) and we can close shop." He was honest about it, and he was right, too. One must understand that. The communists in Italy, Japan and elsewhere share that fear. If we then still take into account how little they know about the situation in Poland, we can appreciate their nervous reactions.

I appreciate it very well and also know how delicate their situation is--not only from reports but from my own experience--and that they had to renounce the events in Poland and state that socialism in their countries was different, truly a higher form of democracy, and not only on paper. They could even disclose the historic causes for the deformation of democracy in the countries of real socialism--in fact, I think they should do that. But one thing they absolutely should not have done if they want to preserve the right to call themselves Marxists and communists: simply condemning Poland and the Soviet Union and act as if they did not know what the stakes are. What, do they think, should the Polish communists have done--handing the power to the counter-revolution and thus permitting the "dismantling" of the socialist camp to begin?

What should then the Soviet communists have done, after the breakdown of Polish state power? I must confess I was uneasy reading all those articles by the leaders of those parties who evidently completely forgot what kind of a world they were living in and what it is truly all about in this struggle, not only



in Poland, but mainly about Poland, Poland as an object of the international contest, catch as catch can, the U.S. government is currently conducting against socialism on several fronts. This hype over "democracy" as an abstract is all the more distressing in that the same parties at the same time battle with thumbs and nails against touching the organizational formula, codified by Stalin, of democratic centralism that has nothing to do, as I have shown in my book, "The Communist Movement at the Crossroads," with the Leninist conception, though that is what they are invoking, for reasons of charisma.

The matter looks somewhat different with the Japanese communists, who inserted their analysis of the Polish events into their bigger issue-taking with the CPSU I do not wish to meddle with (AKAHATA, 5 September 1981, 28 April 1982, 12 January - 18 February 1982). They present the Polish events as an issue of Soviet intervention only, failing to understand its political meaning altogether. What they say, therefore, is totally irrelevant. Either they do not understand the events at all or--worse--they are eager--as are the European Eurocommunist parties--to clear themselves at any cost of reproaches in the eyes of the public it is directing at the countries of real socialism. Mainly, that attempt is condemned to failure from the outset. No one will believe them unless those parties repudiate their communism. Since they do not want to do that, they should stop all those efforts that can only place their own ideology in doubt.

As a basis for further deliberations I now accept the following thesis: Whatever may happen in Poland and whatever form state power assumes in terms of how it conceives of democracy, Poland remains a socialist country, and that is irreversible. That background becomes imperative for understanding the following scenarios for the development of our situation.

#### A. Scenario of Hope

In his speech before the Sejm on 21 July 1983, summarizing the martial law period, General Jaruzelski ended up by saying: "A hope has surfaced before Poland." So we shall also start with this scenario of national hope, all the more so because realizing it now has good chances.

What substantiates this "hope"? That the country is proceeding from a normalization toward a stabilization and in the years ahead experiences a normal economic, social and political development toward democratic socialism able to gain social consensus. Such optimistic perspectives depend of course on a number of conditions which we can fortunately fulfil ourselves, that is to say, on the present government team that, in case the conditions are not fulfilled, would be blamed for having wasted this chance--sad to say this is not only a chance for those in the government but for the entire nation.

What are those conditions?

First: The incumbent government team must remain in power because it--despite its hesitancy with regard to the party wing threatening it--offers Poland its last chance, I think. All other alternatives would be negative. If the "hard" team came to power, it would lead to a public explosion in short order. In numbers, that is a small group in the government, to be sure, but the course of history sometimes is determined by only small groups, and even by individuals.

The incumbent executive team can claim the credit for the victory achieved in the most recent period that saved Poland from great national disaster, even from its doom. That gives the team an advantage. Simultaneously, however, that team is endangered by an error of its own we analyzed above: not by an opposition from the right or a counterrevolution--those forces were crushed, at least for the moment--but by the party's conservative wing, the so-called "conserve," made up of various tendencies and groups all united in their rejection of government policy. This is significant: It is an opposition not so much against persons as, rather, against a policy--mainly with regard to the church and the peasants, the two pillars of the current government policy, on which the hope is based that this optimistic scenario will carry.

The "conserve" tactics, as one learns in Poland, is now as follows: First the associates around General Jaruzelski are supposed to be eliminated (which could be assisted by pressure from outside and press attacks from abroad, and of them there have been some, too), the intellectuals supporting the general are to be removed so he will become socially isolated this way; in the next round, he himself is to be eliminated--which would clear the road to power. The bad thing about that plan is that under certain conditions it definitely has prospects to succeed--considering the current power ratio in the party and, especially, the central committee. There are historic situations--we have had some of that sort in our Polish history--when one might paraphrase the popular words from Prince Jozef Poniatowski,\* "God has entrusted Poland's honor to me," and, in conformity with the Polish honor code, complete his sentence saying "and only to God will I return it." If we leave God to the church today, it means that regardless of all other considerations one must do what one can to preserve the chance truly to lead Poland out of its crisis.

That requires the following steps:

a) State power has to get out of the situation where it is "hostage" to the apparatus, as we presented it above; that is possible only through changing the place of the apparatus within the party and the state; the apparatus should get the job to serve, not to dominate, party activities; which can be done only by establishing genuine intra-party democracy; the party apparatus must be separated from the state apparatus and the latter be granted an autonomous action capability: a situation in which an incompetent central committee instructor can give orders to associates of the ministry, all the way up to the minister himself, paralyzes the work of the official administration, corrupts the party apparatus, and turns it into a bureaucratic mechanism that fails to fulfil its most important tasks; the party apparatus must lose its material privileges (I am thinking of the central committee apparatus, the lower echelons of the apparatus live under miserable conditions) that are turning in into a Praetorian Guard with all its blemishes; and since this apparatus has been badly "dirtied" by personnel reassignments in the Gierek-Moczar era and later by the Mafia-like deals in the Kania era, it must get new people, while one must see to it that the old is not replaced by a new

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\*Prince Jozef Poniatowski (1763-1813), nephew of King Stanislas II Augustus, minister of war and commander in chief in duchy of Warsaw, took part in Napoleon's campaigns against Austria in 1809 and against Russia in 1812.

"conserve" lying in ambush for, and instigating, another change of power.

Second: Factions within the party must be done away with. The attention to do so is always being announced, but nothing has been done about it thus far.

This involves not only factions that openly act as such, but also their "legal" front organizations that are not just teaching institutions of the ordinary "conserve" but, virtually of a black company ideology, such as the social science college under the central committee (WSNS). Its heart throbs for the opponent of the incumbent state power, that much is clear. The twelfth central committee plenum resolved to close that notorious institution down. Now one must make sure it will not just change its name and keep the old personnel. This is a political struggle the authorities must engage in though they have hitherto been hesitant about it, else they commit suicide, a suicide merely "postponed."

Here a sensible question imposes itself: Did perhaps the party lose its power altogether or has it held on to it and is it getting set to attack the state power? That is the heart of the problem. In the spring of 1977, nervous about the situation in the party after the workers' riots in Ursus and Radom, I wrote a letter to Gierek. I never published the text, the letter had only one recipient. In it, I predicted to Gierek the further course of events and his end (the time scale of half a year was the only error in it). In this letter, which the recipient never acknowledged (Gierek fell prey, not last, to his own arrogance), I emphasized the issue of the apparatus the domination of which was plunging the country into misfortune. I once again address this matter now, in a much more dangerous situation. If the incumbent government and its political line are to prevail, that matter has to be cleaned up. That is imperative for achieving the optimistic alternative for developments in Poland. So we must tackle this problem bluntly.

The program for liberating the party from domination by the apparatus is in fact a program for strengthening the party. To achieve it, we need not only negative steps (trimming the power of the apparatus), but also positive efforts by the party to regain its creditability and boost the attractiveness of its Marxist ideology. While the situation with respect to the party's creditability is poor in the public sector, it is downright catastrophic with regard to ideology. This is a truth we have to face; evading it is bound to have terrible consequences. One must prudently start and train new cadres for a Marxist intelligentsia and must do it here at home (training abroad has devastating results), but it must not be done in the spirit of the dull "conserve," the way it shapes WSNS.

To this end, conditions must be set up for a genuine development of Marxist science--that is to say, extensive freedom must be granted to work and discussions. That is impossible unless one breaks the dictatorship of the party apparatus in this field. I am not speaking in the abstract about this topic but rely on the bitter experiences of a person whom the apparatus wants to "tear to pieces" only because he seeks to think "openly" and develop an "open" Marxism--the only way how to reach the minds of Polish readers. It brings to mind Engels' famous letter to Bebel in which he writes that any conflict between the workers party and Marxist science would truly be unfortunate.

b) One condition for the optimistic scenario's success is for the government gradually to regain its contact with and trust from the population. For reasons discussed above, that is most easily done today through cooperating with the church. As this cooperation is of mutual interest, it makes that partnership perfectly realistic; one only needs to be cautious in developing it.

One will of course run into much resistance there too, external and internal.

If the Polish church, under pressure from its own "extreme" wing, destroys that dialogue, it assumes the responsibility for all the negative consequences from it for the entire nation. One must hope that in this regard the line pursued by the primate and the pope will win.

Of the other partner in the dialogue it is equally true, of course. There too are complications.

Such a socialism model would surely be unique. Yet Poland always differed from the other socialist countries. That has to do with the historic and social preconditions for socialism in Poland. The difference would still be larger now. But as Lenin was able to introduce the new economic policy (NEP) after the Kronstadt mutiny, one also ought to be able to introduce something like a political NEP in Poland after the 1980/81 events. It would, in any case, be better to have a somewhat "different" yet still socialist Poland than risk an insurrection bound to have worse consequences than that of Kronstadt, as it would engulf the entire nation. That is something our allies should comprehend too.

That partnership should of course have to have a concrete sociopolitical substance. Generally speaking, it ought to be aimed at implementing step by step the substance of the resolutions in the 1981 Gdansk accord.

It has often been announced, the last time when General Jaruzelski lifted martial law, that the resolutions in the accord with the workers class were being respected. That is the best way to resume a new dialogue with society. The same holds true--at least on a gradual basis--for consolidating the role of the Sejm, the trade unions and the organs of self-administration.

c) The success of our optimistic scenario also depends on the attitude of our opposition. It has been crushed but still exists, at least potentially, and it should realize that after the lesson of 1980, all irresponsible actions it may take get nipped in the bud. State power is prepared for it now and has the necessary means. There will be no more negotiations as in 1980. I am not trying to "intimidate" anybody, I only state plain facts. The opposition has to draw its inferences from the experiences of the past, in this case from the events of 13 December 1981. It is possible, of course, also to draw the sort of inferences Maciej Poleski has drawn in his article, "Program and Organization" (KULTURA, Paris, May 1983), which we have already talked about. That amounts to a deluded conception by a person in despair over the situation who from the defeat derives the need to get set for a national insurrection in Poland (while copying, interestingly, the Leninist organizational principles). That conception is totally unrealistic in the current Polish situation but harbors a great danger: It may not be difficult to inspire youth, romantic by nature and easily attracted to "adventures," with such a conception.

If the partnership with the church works out, it would of course not be quite so easy yet still not impossible. Then events would take a different course and the realization of the optimistic alternative would certainly become doubtful.

d) Surmounting the economic crisis, finally, is another condition for realizing the optimistic alternative. All that was needed to say about it I have already said. So I only want to suggest this problem once more at this point, which does not mean of course that it is not enormously important. In contrast to the other points made here, solving that question largely depends on external factors--on lifting economic sanctions and western economic aid for Poland. That is another subject I have exhausted. All one can now hope for is that my arguments will be heard.

In conclusion I should like to express still once more my deep conviction that this optimistic scenario can be brought to realization. How fast and how fully, that depends of course on the objective and subjective conditions for the development of the situation. Mainly on the determination and energy of the state organs that have to bring that program to realization. Failure in this regard can easily lead to catastrophe. Let us hope it remains confined to theory.

#### B. The Pessimistic Scenario

This is a pessimistic scenario, perfectly realistic unfortunately yet--I like to believe--fairly unlikely. It can be sketched briefly.

Two factors may lead the first scenario into a fiasco: A successful attack from the "conserve" with outside support on the incumbent government, a "conserve" seizure of power and then the liquidation of the prevailing political line; or lunatic opposition undertakings (perhaps inspired by intelligence services) in the spirit of the above discussed program of Maciej Poleski and confreres, absolutely wanting to assist "conserve" in realizing its intentions.

The consequences of such a turn are easy to predict: In 2 to 3 years we would get new "Polish events," bloodier this time. In this respect one has to agree with Poleski: The period of peaceful eruptions in Poland is gone. The rest is easily added: Outbreak of civil war, triggered by sharp anti-Sovietism (in that situation I would not take military discipline for granted), outside intervention and in the end a circumcision or even liquidation of the Polish state structure (there have been and there are strong motives for it). That is no empty threat, unfortunately it is the bitter truth. To convince the ones who doubt it, let me remind you of the words from Cardinal Wyszynski on this subject, quoted above. He wanted to "frighten" no one but was deeply convinced of the validity of his words, which he kept repeating in talking with his entourage. I have often heard that assessment coming from Gomulka, expressed in deepest anxiety about the destiny of Poland. All those today should take to heart those bitter words on whom--as Cardinal Wyszynski put it in this context--"Poland's fate depends."

Especially the government must be energetic and uncompromising in all these matters, always mindful of the fact that this involves not only the fate of its members but the whole future of Poland. There may be pathos in this, yet it is true. And then also the opposition leaders, who must realize that political adventurism can truly conjure up the decline of Poland.

Finally, our allies, who must realize that a "different" socialist Poland is better than an eruption with unforeseeable consequences, all the way to the outbreak of world war. One might "pacify" Poland militarily, but then one must expect that--like in the 19th century--a "Polish question" will surface with unforeseeable costs, considering Poland's precarious neighborhood of Ukrainians, Lithuanians and so forth, all countries that might be "infected" by Poland. It is really better to keep course toward the "optimistic alternative."

This ends my serial article on the Polish Lesson. Another installment would be necessary only if--against my expectations--the pessimistic alternative were to win out. Let us hope on behalf of Poland, as well as the general public, that that will not be the case.

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NEW PRESS LAW PASSED

Warsaw DOCUMENTS AND MATERIALS in English No 2/39, 1984 pp 7-26

[Text] On January 26, 1984, the Sejm of the Polish People's Republic passed a Legislative Act--the Press Law. The initiative to pass a law spelling out the freedom of speech and print, the right to be informed, citizens' possibilities of having influence on public affairs, to voice different views and openness of public life was launched in 1981. On July 31, 1981 the Sejm passed a resolution postulating drawing up of an appropriate bill. The draft law was drawn up by the government and then considered in detail by Sejm committees. Many experts, journalists and lawyers took part in the debate. The months' long exchange of views resulted in a draft law, which earned the approval of a majority of deputies. The law was passed with one vote against and five abstentions. Following is the text of the law:

Legislative Act  
of January 26, 1984  
Press Law

Chapter I

General Provisions

Article 1

In compliance with the Constitution of the Polish People's Republic the press enjoys the freedom of speech and printing, carries into effect the right of citizens to be informed and influence the course of public affairs, strengthens the constitutional system of the Polish People's Republic, and in particular:

1. disseminates information and expresses opinions, thus serving the development of socialist social relations, the national economy, science and culture, and international cooperation in the spirit of peace,
2. carries into effect the principles of openness of public life and social control and discloses and criticizes negative phenomena in social and economic life as well as conducts organizational and intercessory activity,



3. facilitates citizens' participation in social consultations and debates and, by the same token, their participation in making decisions concerning key problems of the country and other public matters.

#### Article 2

In compliance with the Constitution of the Polish People's Republic, state organs create indispensable conditions for the press to fulfill its functions and tasks, including those facilitating the activity of editorial offices of dailies and periodicals differing in their programmes, scope of subjects and represented orientations.

#### Article 3

Print-shop and distribution employees can neither restrict nor in any way hamper printing and purchasing of dailies, periodicals or other press publications accepted by the enterprise for printing and distribution for reasons of their programme line or contents.

#### Article 4

1. State organs, state enterprises and other organizational entities of the state, and in the field of socioeconomic activity also cooperative organizations and persons conducting economic activity on their own account, are obliged to offer information on their activity to the press.
2. Information may be refused only for reasons of protecting the state and official secrets and other secrets protected under the law.
3. Upon request of the editor-in-chief the refusal shall be submitted in writing to the editorial office concerned within three days; the refusal should include the name of the organ, organizational entity or person who issued it, the date of issuance, the editorial office it concerns, the specification of information which has been refused and the reasons for refusal.
4. The refusal mentioned under Item 3 or violation of requirements defined in the provision can be appealed to the Supreme Administrative Court within one month; regulations of the code of administrative proceedings on appealing against administrative decisions apply accordingly in judiciary proceedings.
5. Provisions of Items 1-4 apply accordingly to trade unions, self-government bodies and other social organizations as regards tasks assigned to them in the sphere of state administration and other similar public activities.
6. Provisions of Items 3 and 4 do not apply to organs of state authority and jurisdiction.

#### Article 5

1. Every citizen can impart information to the press in compliance with the principle of freedom of speech and the right to criticize.
2. No one can be exposed to harm or charges because of having imparted information to the press as long as he acts within legally permitted limits.

#### Article 6

1. The press has the right to present and criticize all sorts of negative phenomena, within limits defined by the law and principles of social co-existence. Exercising this right, the press shall strive to present truthfully the discussed phenomena, in keeping with the interests of the society and the socialist state, as well as to observe and protect citizens' rights and duties.
2. Organs of the state, state enterprises and other organizational entities of the state as well as cooperative organizations are obliged to respond to critical press opinions without unnecessary delay, though not later than within one month.
3. The provision of Item 2 applies accordingly to trade unions, self-government and other social organizations as regards their public activity.
4. The press shall neither be hampered in gathering critical materials nor criticism shall be stifled in any other way.

#### Article 7

1. The present law regulates publishing and journalistic activity of the press.
2. As used in this law:
  - 1/ press means periodical publications which do not constitute a complete, homogenous whole, appear no less frequently than once a year, bear a permanent title or name, current number and date, in particular: dailies and magazines, agency newsletters, regular telex releases, bulletins, radio and television programmes, film newsreels; press includes also any mass media, existing or coming into being as a result of progress in technology, including enterprise-based transmission stations as well as TV and radio selection stations, disseminating periodical publications with the use of print, images, sound or other dissemination techniques; press includes also teams of people and individual persons engaged in journalistic activity.
  - 2/ a daily is a general-information periodical printed matter or sound or audio-visual transmission which appears more than once a week,
  - 3/ a magazine is a periodical printed matter appearing no more frequently than once a week and no less frequently than once a year; this provision applies accordingly to sound and audio-visual transmission other than defined in Point 2,

- 4/ a press material is every, published or submitted to be published by the press, text or image of an information, publicist, documentary or any other character, irrespective of the media, kind, form, purpose or authorship,
- 5/ a journalist is a person engaged in editing, making or preparing press materials employed by editorial office or engaged in such activity for and upon authorization from editorial office.
- 6/ an editor is a journalist who decides or co-decides about publishing press materials,
- 7/ an editor-in-chief is a person authorized to decide about the entirety of editorial office's activity,
- 8/ an editorial office is an entity which organizes the process of preparing /gathering, assessing and editing/ materials to be published in the press.

#### Article 9

The provisions of the present law shall not apply to:

- 1/ Dziennik Ustaw Polskiej Rzeczypospolitej Ludowej, Dziennik Urzędowy Polskiej Rzeczypospolitej Ludowej "Monitor Polski" or other official publication organs,
- 2/ Sejm diary and Sejm reports on its activity and the activity of its organs, or unofficial publications of people's councils,
- 4/ court and arbitration commission rulings nor other official publications of this character,
- 5/ press publications of foreign diplomatic missions, consular offices and international organizations which enjoy the right to conduct publishing activity under international laws, agreements and custom.

#### Chapter 2

#### Rights and Obligations of Journalists

#### Article 10

1. The task of a journalist is to serve the society and the state. A journalist is obliged to act in compliance with professional ethics and principles of social co-existence, within limits defined by the law.
2. Under his/her employment contract, a journalist is obliged to implement the general policy line defined in the statute or regulations of the editorial office which employs him/her.
3. Activity of a journalist in violation of Item 2 constitutes a break of employee's duties.

#### Article 11

1. A journalist is authorized to obtain information within the scope defined in Article 4.
2. Heads of organizational entities, their deputies, press spokesmen or other authorized persons, acting within the limits of duties entrusted to them in this respect, are obliged to impart information on behalf of those entities.
3. Heads of organizational entities are obliged to facilitate journalists' contact with employees and free gathering of information and opinions among them.
4. The Council of Ministers shall define, by way of a decree, the procedure of making information available to the press as well as the organization and respective tasks of spokesmen in offices of state administration organs.

#### Article 12

1. A journalist has an obligation to:
  - 1/ be particularly meticulous and fair while gathering and making use of press materials, in particular check whether the information obtained conforms to the truth or quote its source.
  - 2/ protect personal goods and interests of informants and other persons acting in good will who, being guided by social good, trust him/her.
2. A journalist shall not conduct covert promotion activity entailing acquisition of financial or personal gains from a person or organizational entity interested in promotion.

#### Article 13

1. No opinion shall be voiced in the press on court rulings before a verdict is passed by a court of the first instance.
2. The press shall not publish particulars and images of persons under investigation or on trial, particulars and images of witnesses and the aggrieved persons unless they give their consent.
3. The restrictions mentioned in Item 2 does not infringe on regulations in other laws. A relevant prosecutor or court may permit, in view of an important social interest, to disclose particulars and images of persons under investigation or on trial.

#### Article 14

1. Publication or dissemination in any other way of information recorded with the use of sound and visual registration require consent of persons imparting information.

2. A journalist cannot refuse if a person imparting information demands authorization of his/her statement quoted verbatim unless it was published previously.
3. A person imparting information may make a reservation as to the date and scope of its publication for important social or personal reasons.
4. An offer to impart information must not entail conditions, with the exception of the reservation under Item 2, as to the way it is commented on or approval of the text prepared by a journalist.
5. A journalist cannot publish information if a person imparting it has made a due reservation owing to official or professional secrecy.
6. No information or particulars concerning private life shall be published without the consent of the person concerned, unless it is required by reasons of defending socially justified interests or is directly connected with public activity of the said person.

#### Article 15

1. The author of a press material has the right to keep his/her name secret.
2. A journalist has an obligation not to disclose:
  - 1/ particulars facilitating identification of the author of a press material, a letter to the editor or any other material of this character, as well as other persons imparting information, published or submitted for publication, if the said persons made a reservation that the above particulars are not to be disclosed,
  - 2/ any information whose disclosure might infringe on the interests of third parties protected under the law.
3. The obligation named in Item 2 is also binding to other persons employed in editorial offices, press publishers and other press organizational units.

#### Article 16

1. A journalist is released from keeping a professional secret mentioned in Article 15, Item 2 in case the information, press material, letter to the editor or any other material of this character concerns the offence under Article 254 of the Penal Code or the author or the person conveying such material off the record consents that his/her name or the said material be disclosed.
2. The release mentioned in Item 1 concerns also other persons employed in editorial offices, press publishing houses and other press organizational units.

3. The editor-in-chief should be informed about matters connected with professional secrets of a journalist within indispensable limits; he may disclose the information or any other material entrusted to him only in cases defined in Item 1.

### Chapter 3

#### Press Council

##### Article 17

1. Press Council is hereby established.
2. The Press Council is an institution of the Chairman of the Council of Ministers.
3. The Press Council offers opinion and tables motions on issues stemming from the role of the press in sociopolitical life of the country, especially in the field of exercising the freedom of speech and printing, lines of development of the press, publishing houses, printing facilities, distribution and dissemination, management of paper stock and other recording media, examining the extent to which information needs of the society are met, shaping and observance of journalist professional ethics, conditions in which the profession is practiced, consulting the lines of press research and education development to meet the needs of the press.

##### Article 18

1. The Press Council comprises 45-60 members.
2. The Chairman of the Council of Ministers appoints, for a term of 3 years, one-third of the Press Council's members from among candidates submitted by organizations of journalists and one-third from among candidates submitted by press publishers. In addition, the chairman of the Council of Minister appoints one-third of the Press Council's members from among representatives of organs of state administration, science and creative milieus, political and social organizations.
3. The Press Council elects its chairman, three deputies and secretary of the council from among its members.
4. The chairman of the Council of Ministers, by way of a decree, shall define in detail the scope of the Press Council's activity, its appointment procedure and scope of activity and bestows its statute.

### Chapter 4

#### Organization of Press Activity

##### Article 19

1. Conducting press publishing or printing activity requires permission.

2. In order to obtain permission to conduct activity mentioned in Item 1, the founding organ of a publishing house or another relevant organ as well as a natural person shall apply in writing to the Main Office for Control of Publications and Performances.
3. The application mentioned in Item 2 should state the name and address of the publisher, define the character and scope of planned publishing activity, as well as their compatibility with the publisher's statute if it is a corporate body, and indicate the intended ways of procuring paper and production capacities employing print or other technologies. The application should include indispensable personal particulars of persons who manage the publishing house being established plus the scope of responsibility of each of those persons.
4. A press publishing house may be managed by a person who has full legal capacity, Polish citizenship and has not been deprived of public rights; it cannot be managed by a person convicted for a crime against basic political and economic interests of the Polish People's Republic, of a crime committed to gain financial profit or for other vile motives: neither can it be managed by a person convicted for an offence defined in this law.
5. The chairman of the Main Office for Control of Publications and Performances, acting in agreement with the Minister of Foreign Affairs, may release the person who manages the publishing house from the requirement of having Polish citizenship.
6. The requirements mentioned in Item 4 and concerning the founding organs and persons managing the publishing house apply accordingly in cases when a natural person is to act as publisher.
7. A natural person seeking permission to conduct press publishing activity is additionally obliged to submit the opinion of a relevant voivode justifying the need of launching a private publishing enterprise.
8. The permission mentioned in Item 1 is not required when the publisher intends to publish only one title.

#### Article 20

1. Irrespective of the permission mentioned in Article 19, a publisher is obliged to obtain a separate permission from the Main Office for Control of Publications and Performances to publish a daily or a periodical.
2. Application for issuance of the permission mentioned in Item 1 should include the following particulars:
  - 1/ the title of the daily or periodical as well as the seat and address of the editorial office,
  - 2/ personal particulars of the editor-in-chief,



- 3/ definition of the policy line of the daily or periodical,
  - 4/ definition of basic thematic scope of the daily or periodical,
  - 5/ frequency with which the daily or periodical will be published, its top size, format and a single largest impression as well as the range of distribution,
  - 6/ the publisher, his seat and address,
  - 7/ the name and address of the printing enterprise in which the daily or periodical would be produced as well as description of the technology involved and the source of paper supply.
3. The permission granted by the Main Office for Control of Publications and Performances should include--apart from the requirements set by the Code of administrative proceedings--particulars mentioned in Item 2, Point 1 and 4-6.
  4. The permission to bring out single-issue publication /leaflets and other publications published on special occasions/ should define the size, format, impression and manner of distribution.

#### Article 21

1. The permission to publish a daily or a periodical expires:
  - 1/ after its time-limit has run out,
  - 2/ in case the daily or periodical has not been published within one year since the day permission was granted for unspecified time or in case of an intermission in their publication lasting one year,
  - 3/ when the permission is revoked.
2. Change of particulars included in the permission as mentioned in Article 20, Item 2, Points 1, 5 and 6, with the exception of a change of the seat and address of the editorial office and publisher, are subject to prior approval by the Main Office for Control of Publications and Performances. Changes concerning particulars mentioned in Article 20, Item 2 which are not subject to approval by the Main Office for Control of Publications and Performances should be notified without delay.

#### Article 22

1. The Main Office for Control of Publications and Performances shall refuse to issue permissions mentioned in Articles 19 and 20 should their granting involve violation of legal acts or the right of protection of the name of the already existing press title.
2. The Main Office for Control of Publications and Performances may refuse to issue the permission mentioned in Article 20 if the applicant, in spite of the request of the office, does not demonstrate the social need for publishing a

new daily or periodical and especially when the policy line and the thematic scope of the daily or periodical are convergent with those which are already being published.

3. The Main Office for Control of Publications and Performances may refuse to grant the permission mentioned in Article 20 in case the applicant fails to list the sources of paper supply and printing capacities or other production technology.

#### Article 23

1. The Main Office for Control of Publications and Performances may revoke permissions mentioned in Articles 19 and 20 due to:

1. repeated or flagrant violation of provisions of the present legal act and other legal acts,

2/ overstepping the scope of the permission granted, and in cases involving permission to publish a daily or a periodical--also due to a lasting alteration of their basic thematic scope.

2. Revoking of a permission is preceded by a written warning pointing to the established infringements and a notice that the sanction may be applied.

#### Article 24

Regulations concerning permissions to conduct press publishing activity do not apply to the broadcasting activity of the Committee for Radio and Television "Polskie Radio i Telewizja" as well as to the activity of the Polish Press Agency and the Polish Film Newsreel, whose activity is regulated by separate provisions.

#### Article 25

1. An editorial office is headed by the editor-in-chief.

2. The editor-in-chief as well as other members of the editorial management are appointed and dismissed by the publisher, the founding organ of the publishing house or other relevant organ, in compliance with the statute or relevant regulations.

3. The editor-in-chief is responsible for the contents of press materials prepared by the editorial office as well as for organizational and financial matters of the editorial office within the limits defined by the statute or relevant regulations.

4. Boards of editors shall be active at the editorial office as provided by the statute or relevant regulations.

5. Editorial board and policy /scientific/ board may be active at the editorial office as advisory bodies to the editor-in-chief.

#### Article 26

1. Organization of the editorial office, its policy line, scope of activity as well as the procedure for appointing and recalling the organs mentioned in Article 25 as well as the participation of representatives of the editorial team in the board of editors and in other advisory organs are defined by the statute or regulations of the editorial office.
2. The statute or the regulations of the editorial office are bestowed by the publisher, the founding organ of the publishing house or another relevant organ following consultations with journalist, political organizations, trade unions and other social organizations active in the editorial office.

#### Article 27

1. Every copy of the periodical printed matter, agency newsletters and other similar press printed matter shall carry in a visible and customarily accepted place:
  - 1/ name and address of the publisher or another relevant organ,
  - 2/ address of the editorial office and name and surname of the editor-in-chief,
  - 3/ place and date of publication,
  - 4/ name of enterprise which has printed it,
  - 5/ initials of the person granting permission for publication, in cases defined in regulations concerning control of publications and performances,
  - 6/ international information symbol,
  - 7/ current issue number.
2. The provision of Item 1 applies accordingly to radio and television recordings and film newsreels.

#### Article 28

1. Transmission and television and radio selection stations being an exclusive property of the enterprise, can operate in state enterprises.
2. The provision of Item 1 applies accordingly to transmission and television and radio selection stations being the property of state organizational entities which are not state enterprises, as well as to the operation of inter-factory transmission and television and radio selection stations.
3. The Council of Ministers shall define by way of a decree a detailed status as well as the principles governing operation of transmission and television and radio selection stations mentioned in Items 1 and 2.

## Article 29

1. Operation of transmission and television and radio selection stations in organizational entities other than those mentioned in Article 28 requires permission of the Main Office for Control of Publications and Performances; provisions of Articles 19-23 apply accordingly to granting, expiry and revoking of permission.
2. The provision of Item 1 does not apply to sound equipment installed:
  - 1/ inside church buildings, chapels and houses of prayer used exclusively for this purpose, unless sounds amplified by the equipment disturb peace in neighbouring buildings,
  - 2/ in the open within the limits of traditional pilgrimage sites for the duration of religious ceremonies.

## Article 30

1. Permissions to carry out printing activity and rendering typographic services by all kinds of mimeograph and collotype facilities are granted by the minister of culture and arts.
2. Typographic equipment at the disposal of state organizational entities subordinated to supreme or central organs of the state are subject to registration by a relevant supreme or central organ of the state, those at the disposal of producers cooperatives--by the Central Union of Producers' Cooperatives.
3. Typographic equipment not covered by the provision in Item 1 are subject to registration by a local, voivodship level organ of state administration irrespective of the fact at whose disposal it remains.
4. The provision in Item 3 applies accordingly to manufacturers of signets.
5. The Main Office for Control of Publications and Performances is authorized to control printing enterprises, works and other facilities mentioned in Items 1-4 within limits indispensable for control of publications.
6. The Council of Ministers shall define by way of a decree detailed principles of granting permissions, registration and control of printing enterprises as well as works and facilities mentioned in Items 1-4.

## Chapter 5

### Corrections and Responses

## Article 31

Following a request by a natural, juridical person or any other organizational entity concerned the editor-in-chief of a relevant daily or periodical is obliged to publish gratuitously:

- 1/ a matter-of-fact and referring to facts correction of untrue or inaccurate information,
- 2/ a matter-of-fact response to a statement threatening personal good.

#### Article 32

##### 1. Correction or response should be published:

- 1/ in a daily--within seven days from the day correction or response was received,
- 2/ in a periodical--in the next or in either of the two issues following it and being prepared for printing,
- 3/ in a sound and audio-visual medium other than a daily--in the next corresponding broadcast, however not later than within 14 days from the day a correction or response was received.

2. Correction or response concerning news or statement presented in a film newsreel shall be published, at the expense of the film newsreel publisher, in a nationwide daily; this should be notified in the subsequent film newsreel.

3. A correction or response shall be additionally published in a relevant daily, within a month, following a request of the person concerned, at the expense of the publisher, when the publication of a correction or a response will be possible in more than six months.

4. The deadlines mentioned in Items 1-3 do not apply if the parties concerned agreed in writing otherwise.

5. Corrections in periodicals should be published or at least notified in the same column, in equal type and visibly headlined; in the remaining publications it should be broadcast at similar air time and in a corresponding programme.

6. The text of the correction or response must not be abridged or changed in any other way which would weaken its meaning or distort the intention of the author of the correction without his consent; the text of the correction must not be commented on in the same issue or broadcast; this does not apply to responses; however this does not rule out a simple announcement of a polemic or explanations.

7. The text of the correction or response must not be longer than twice the length of the press material it refers to; the editor-in-chief cannot request the correction or response to be shorter than a half of a typed page.

8. The restrictions mentioned in Item 7 do not apply to corrections or responses from supreme or central organs of the state, including those from supreme and central organs of state administration if they are sent in by the press spokesman of the government.

### Article 33

1. The editor-in-chief shall refuse to publish a correction or a response provided:

- 1/ they do not meet the requirements defined in Article 31,
- 2/ they include punishable contents, in particular when they constitute an offence against the Constitutional system of the Polish People's Republic, the constitutional principles of the foreign policy of the Polish People's Republic and its alliances, when they breach state and official secrecy and other secrets protected by the law, and bear the traits of slander or insult,
- 3/ their contents or form are not compatible with the principles of social co-existence,
- 4/ undermine facts established in legally valid rulings.

2. The editor-in-chief may refuse to publish a correction or a response if:

- 1/ the correction or response does not refer to the contents included in a press material,
- 2/ the correction or response is put forth by a person whom the facts quoted in the corrected material do not concern, unless the correction or a response is made after the death of the person directly concerned by a person concerned in connection with employer-employee relationship, joint work or activity or in connection with bonds of blood and family relation,
- 3/ the correction refers to previously corrected information,
- 4/ the correction or response were sent in more than one month after the press material had been published, unless the person concerned was not able to get acquainted with the contents of the publication earlier, however not later than within three months from the date on which the press material had been published.
- 5/ the correction or response are not compatible with requirements defined in Article 32, Item 7 or were not signed in a way making it possible for the editorial office to identify the author.

3. Upon refusing to publish a correction or a response the editor-in-chief is obliged to notify the applicant in writing without delay about the refusal and the underlying reasons. If the refusal was for reasons mentioned in Item 1 and Item 2, Points 1-3, it is necessary to point out the fragments which are not fit for publication; for the correction or a response amended in this way the time-limit defined in Item 2, Point 4 begins anew from the day the notice of refusal and underlying reasons are handed over. An editorial office cannot refuse to publish a correction or a response if its recommendations were complied with.

4. If a justified correction sent in by the person concerned cannot be published for reasons defined in Items 1 and 2, the editor-in-chief, acting upon the consent of the said person, may publish his own explanation fulfilling the function of a correction.

5. A correction or a response can be signed with a pen name, if the correction or the response has been made because of a threat to the good connected with the pen name; the actual name is withheld in such cases.

## Chapter 6

### Communiques and Announcements

#### Article 34

1. The editor-in-chief is obliged to publish free of charge an official communique from supreme and central organs of the state, including those from the supreme and central organs of state administration, if they are sent in by the press spokesman for the government with the indication that the publication is compulsory, at a time and in a place which are appropriate with a view to the subject matter and character of the publication.

2. The duty defined in Item 1 refers also to notices, resolutions or instructions issued on the basis of legislative acts by local organs of authority and state administration of voivodship level, sent in the form of concise communiques by a relevant chairman of voivodship people's council or by a voivode to be published in a daily or an appropriate periodical in the area of his competence.

3. Communiques mentioned in Items 1 and 2 shall be published at an agreed time, with no alterations, no comments and denials, and in case the time is not agreed, in the next issue under preparation.

#### Article 35

1. Editor-in-chief of a daily is obliged to publish against payment at an indicated or agreed time:

1/ legally valid court verdicts or other rulings including a clause on making it public,

2/ announcements made by a court or another state organ.

2. Editor-in-chief of a daily is obliged to publish free of charge prosecutor's and militia wanted notices at an indicated or agreed time.

#### Article 36

1. Press may publish classified and publicity ads against payment.

2. The advertisements must not be incompatible with the law or principles of social coexistence.



3. Advertisements shall be marked in such a way so as to leave no doubt that they are not editorial material.

4. Publisher and editor have the right to refuse to place an advertisement if its contents or form run counter the policy line or character of the publication.

## Chapter 7

### Amenability to the Law

#### Article 37

General regulations apply to responsibility for violations of the law caused by publishing a press material, unless the law stipulates otherwise.

#### Article 38

1. Civil liability for violation of the law caused by publishing a press material is borne by the author, editor or other persons who caused the publication of the material; this does not rule out liability of the publisher. These persons shall share financial responsibility.

2. The provision of Item 1 applies accordingly to civil liability for violation of the law caused by disclosure of press material prior to its publication.

#### Article 39

1. Any person concerned may advance claim to publish a correction or a response if the editor-in-chief refuses to publish a correction or a response or if they are either insufficient or failed to appear within the time-limit defined in Article 32, Items 1-4.

2. Claims mentioned in Item 1 cannot be advanced after one year since the day the press material was published.

#### Article 40

In cases involving violation of personal good of a natural person through publication of press materials, and in particular in cases involving violation of Article 14, Item 6, court may award the sufferer an adequate sum of money by virtue of compensation for the suffered wrong.

#### Article 41

Publishing truthful and honest reports on open meetings of the Sejm and people's councils and their organs as well as publishing honest, compatible with principles of social co-existence, negative assessments of scientific or artistic works or of other creative, professional or public work, are of service to implementation of tasks mentioned in Article 1 of the present Legislative Act and are protected by the law; this regulation applies accordingly to satire and cartoons.

#### Article 42

1. An editor does not bear responsibility for the contents of publications sent in by the Polish Press Agency or for the contents of official communiques mentioned in Article 34, nor for the contents of rulings and announcements mentioned in Article 35.
2. A publisher and editor do not bear responsibility for the contents of advertisements published in compliance with Article 36.

#### Article 43

Whoever uses violence or illegal threat in order to force a journalist to publish or refrain from publishing a press material, or to undertake or refrain from a press intercession

--shall be punished by deprivation of freedom for a term of up to three years.

#### Article 44

1. Whoever obstructs or stifles press criticism

--shall be punished by limitation of freedom or fined.

2. Whoever abuses his post or function and acts to the detriment of another person due to press criticism published in socially justified interest shall be punished in the same way.

#### Article 45

Whoever publishes or circulates a daily, a periodical or any other press publication without the required permission:

--shall be punished by deprivation of freedom for a term of up to one year, limitation of freedom or fined.

#### Article 46

1. Whoever in defiance of the duty stemming from the law declines to publish a correction or a response mentioned in Article 31 or publishes such correction or response in defiance of conditions defined in the law

--shall be fined.

2. If the injured party is a natural person legal proceedings are instituted upon litigation.

#### Article 47

Whoever in defiance of the duty stemming from Articles 34 and 35 declines to publish an official communique, court or another state organ announcement as well as a wanted notice

--shall be fined.

#### Article 48

Whoever in defiance of the duty stemming from the law declines to register printing or duplicating equipment

--shall be fined

#### Article 49

Whoever violates regulations of Article 3, Item 2; Articles 14, 15 Item 2 and Article 27

--shall be fined.

#### Chapter 8

#### Legal Proceeding in Cases Concerning the Press

#### Article 50

Legal proceedings in cases stemming from the present law shall be taken according to principles defined in separate regulations unless the law states otherwise.

#### Article 51

Administrative decisions in cases concerning the press may be appealed to the Supreme Administrative Court.

#### Article 52

Claims concerning publishing a correction or a response mentioned in Article 39 are subject to consideration by a court.

#### Article 53

1. Cases involving offences defined in Article 43 and 44 of this Legislative Act shall be heard before a voivodship court, and those defined in Articles 45-49 as well as cases involving offences perpetrated in the press--before a district court.

2. The minister of justice may appoint, by way of ordinance, district courts competent to hold hearings in cases involving offences mentioned in Articles 45 and 49 of this law and offenses perpetrated in the press--in the area of competence of a given voivodship court.

#### Article 54

In case of refusal to take legal action against a journalist concerning an offence defined in the law and an offence perpetrated in the press or another act connected with exercising journalist profession or in case of quenching such proceedings, a court or a prosecutor may transmit the case to be heard only before a relevant journalist court.

## Chapter 9

### Changes in Regulations in Force; Provisional and Concluding Regulations

#### Article 55

Article 3<sup>1</sup> shall be added to the Legislative Act of June 8, 1982 on the practice and organization of handicrafts /Cf. Dz.U. of 1983 No 7, Item 40/ in Chapter 1, following Article 3, in the following wording:

"Article 3<sup>1</sup>. The matters of granting permissions for practicing handicrafts in the field of small-scale printing operations for commercial and advertising purposes as well as of registration and control of service establishments and their equipment are defined by regulations of the Press Law; otherwise regulations of the present Legislative Act shall apply to the activity of those establishments."

#### Article 56

The following changes shall be introduced in the Legislative Act of July 18, 1974, on trade and certain other types of activity conducted by entities of the non-socialized sector of the economy /Dz.U. of 1983 No 43, item 193/: 1/ in Article 3

a/ in Item 4--the words "arts, sound recording and printing enterprises" shall be replaced by words "arts and sound recording enterprises,"

b/ Item 6 shall be added in the following wording:

"6. The matters of issuing licenses for conducting activity in the field of printing as well as of registering and controlling printing enterprises and equipment are defined by regulations of the Press Law; otherwise regulations of the present Legislative Act shall apply to the activity of those enterprises."

2. The words "and printing" shall be deleted from Article 4, Item 1, Point 3.

#### Article 57

The following changes shall be introduced in the Legislative Act of July 31, 1981, on control of publications and performances /Dz.U. No 20, item 99 and of 1983 No 44, Item 204/:

1/ Point 7 shall be deleted from Article 2;

2/ Items 3 and 4 shall be added to Article 3 in the following wording:

"3. The competences of the Main Office include also the matters of granting and revoking permissions for conducting press publishing activity as well as to publish dailies and periodicals to the extent and according to principles defined by the Press Law.

4. On matters mentioned in Item 3 the Main Office cooperates with the National Council for Culture, the Press Council, the Polish Academy of Sciences, relevant ministers, heads of central offices, central organs of political organizations, trade unions, cooperative and self-government organizations and other social organizations as well as Churches and other denominational unions";

3/ Article 20, Item 1 shall read:

"1. Matters reserved in special regulations for the competence of the Main Office for Control of Publications and Performances and its local organs are transferred accordingly to the competence of the Main Office and district offices."

4/ the closing words "with the exception of regulations concerning issuance of permissions for publishing periodicals as well as registration and control of printing works, works producing signets, works producing publications and illustrations by phototype and mimeographic equipment shall be deleted from Article 23.

#### Article 58

1. Legal proceedings in cases stemming from the present law, with the exception of Item 2, launched before the law came into force and not completed until then, shall be continued until completed before a given instance in compliance with the hitherto regulations.

2. Cases involving issuance of permissions for conducting service activities in the field of small-scale printing in which legal proceedings were taken before the present law came into force and were not completed by then are subject to transferring for further proceedings to a relevant organ in keeping with the law and in accordance with its regulations.

3. Regulations of the law concerning appeals to the Supreme Administrative Court against decisions in cases stemming from the present law shall be applied to decisions issued on cases in which legal proceedings were taken after the present law came into force.

#### Article 59

1. Publishers of dailies and periodicals active on the day the law comes into force shall retain their hitherto rights if within six months from the date of its coming into force they declare before the Main Office for Control of Publications and Performances their readiness to conduct the activity and demonstrate particulars defined in Article 19, Item 3.

2. The provision in Item 1 shall apply accordingly to permissions for publishing a given daily or a periodical, the demonstration referring to particulars being defined in Article 20, Item 2.

3. Permission to conduct printing activity and small-scale printing services issued before the day the law comes into force shall retain their validity if within six months from the day of its coming into force persons conducting such activity shall declare before the minister of culture and arts their readiness to conduct such activity and demonstrate particulars defined in regulations issued on the basis of Article 30, Item 6.

#### Article 60

All other regulations concerning subjects provided for in this law shall become invalid on the day the law comes into force, in particular the decree of the president of the Republic of November 21, 1938, the Press Law /Dz.U., No 89, Item 608/.

#### Article 61

The law comes into force on July 1, 1984.

CSO: 2020/76

CATHOLIC WEEKLY SPEAKS IN DEFENSE OF CHURCH

Warsaw LAD in Polish No 48, 27 Nov 83 p 1

/Article by Witold Olszewski: "Clericalism?"

/Text/ The lay press has become extremely upset over the alleged development of clericalism. They are so upset that the majority of foreign observers have come to the overly hasty conclusion from this that a battle with the church was beginning in Poland. This point, by the way, has already been fully straightened out by the government. So what remains is the problem of the said "clericalism."

The reference here, of course, is to clericalism not in its usual historical sense. The days of Zbigniew Olesnicki, bishops as ex-officio members in the senate, and the primate as interim ruler are long past. And the days of the bishop-princes of the Reich have ended just as those of the cardinals Mazarin and Richelieu have in France. The question is not about institutional clericalism but about the actual influence of the church on society in those areas which are by their nature the common concern of both the government and the church. In this way the church, through society, supposedly brings its influence to bear on the government.

What is the actual situation? After all, we do have the separation of church and state in Poland, and this separation in a socialist government characterized by the dominant role of the Marxist party has the nature of a worldview. One has to admit that this feature has evolved to become considerably less strict in our country, especially after the election of John Paul II. But the still essentially judicious separation of what is Caesar's from what is God's works more to the benefit of the state. This is because the state wants to have an influence on a maximal range of the church's activity; the nomination of bishops and pastors; the teaching of religion, even though it takes place outside the schools; and control over church publications and publishing houses. In areas so non-political as charity work and hospital and prison care, it is rigorously seen to that religious activity is not allowed or allowed only to a minimal degree. This was supposed to guard against the occurrence of clericalism broadly understood. The excessive sensitivity on this subject, however,



has undoubtedly decreased, for in the difficult and stormy period dating from the beginning of this decade, the church has been allowed with its religious influence into those areas to which it had had very limited access (e.g., the radio).

This is the best evidence that in the most difficult moments the said "clericalism" has a salutary effect on social stability, and it is understandable that at that time it is allowed to speak without much problem. In fact, the unusually bold and difficult stand of the episcopate, and especially of the Polish primate, Cardinal J. Glemp, on behalf of domestic peace turned out to be salutary because it prevented the extreme and most aroused groups from having a decisive influence on the agitated Polish community.

This is one source of the unquestionably increased authority of the church in society which the newspapermen are paradoxically beginning to call clericalism.

The second source--and actually the first, because it is religious in nature and historically earlier--is the election of John Paul II, the first Polish Vicar of Christ, and such an extraordinary individual. This great and purely religious event is at the same time a tremendous advance for the Polish Church, regardless of the humility with which one is supposed to treat it.

To what degree can these sources of authority threaten the political powers? On the contrary, they are the surest and strongest moral forces possible in contemporary Poland. It was not always this way. We know of historical periods when the church did not have such an influence on the people. Therefore, there was not any "clericalism." The bishops' warnings and admonitions, if there were any, were taken as signs of weakness and opportunism. In extreme cases there were even accusations of a lack of patriotism or even of treason. We know what kinds of national dramas resulted from this.

Fortunately, it was not like that this time. In any case, these were matters between Poles. Were there not even this time, however, somewhere on the sidelines or entirely outside the country, occasional murmurings accusing the primate of reprehensible weakness? And of demobilization? Let us be fair: let us not use a bogey-word to name that which actually represented the deepest feeling of responsibility and profound patriotism.

I admit, on the other hand, that the said authorities in some way inhibit the freedom of those rulers who, more out of the bad habit and bad example than in accordance with an ideological postulate, tolerate badly any elements independent of them. All the same, I think that Polish Marxists have succeeded in getting used to such a state of affairs. After all, this is the most normal and secure basis for governing. The most enlightened leaders realize this. Especially

after the experiences of the 1980's, they have often given verbal proof of understanding that the Polish Government will prove to be a common good for all its citizens in their collective consciousness the more quickly it becomes natural in its relation to differences of worldviews in society.

In closing, a brief word about unavoidable superfluities: namely, about the sporadic instances of individual priests propagating political views from the altar. These occurrences in themselves should be called clericalism, if one insists on doing so. One must not generalize from them, but rather treat them individually, depending on the case. For these are not so much outbreaks of clericalism as they are signals.

12635

CSO: 2600/615A

POLAND

BRIEFS

MILEWSKI COMMISSION MEETING--Another meeting of the PZPR Central Committee Commission on Jurisprudence and Law and Order was held in Warsaw on 27 February with its chairman Mirosław Milewski, member of the Politburo and secretary of the PZPR Central Committee, presiding. The meeting was called in order to review reports prepared by the PZPR Central Committee Administration Department dealing with assessments of the social and political situation in the legal profession and also observance of the law and the strengthening of law and order in Poland. The contents of these reports were addressed in a debate which went on for several hours. The Commission on Jurisprudence and Law and Order also reviewed the progress which has been made thus far as a part of the work being done on the drafting of amendments to the Criminal Code and the Penal Code. [Text] [Warsaw ZYCIE WARSZAWY in Polish 28 Feb 84 p 2]

CSO: 2600/761

UNIFICATION OF MOLDAVIA, WALLACHIA COMMEMORATED

Bucharest SCINTEIA in Romanian 11 Jan 84 pp 1, 5

[Article by Leonid Boicu of the A. D. Xenopol Institute of History and Archeology in Iasi]

[Text] It is in the tradition of our people to recall the great acts of the past with supreme respect. The union of 1859, however, is not just an occasion for memoirs but rather a great national celebration, likened to one of the basic features of the country's history, that is, unity, the powerful lever of our national continuity. The ethnic origin and common language, the geographic configuration of the territory, the economic-social-political and administrative structure (the institutions), the community of material and spiritual life from customs to homes have given the historical evolution of the Romanian people a pronounced unified nature. It is just that these features, this nature have not been preserved and achieved by themselves but through a long, bitter and clear effort. It is the long road of struggle which crowned the unity with the Union in its national-political meaning.

History has placed a series of steps on this heroic and long path--from the formation of the feudal Romanian states to the Union of 1600 and from the union of Moldavia with Muntenia up to the Union of 1918. They are culminating moments, the product of accumulations which, through the releasing of energies, marked out the course of the historical events concluded with fulfillment of the national ideal. This course is inseparable from the one of the uninterrupted preservation of the state's existence throughout the centuries--another basic feature of the history of the Romanian people.

The Romanians, like other peoples, lived a long time in three principalities--Wallachia, Moldavia and Transylvania. But awareness of ethnic unity, relied upon by the process of the formation of national awareness, was the foundation upon which the collaboration and even political-military confederation of the medieval Romanian counties were achieved. Some big Muntenian landowners requested Simion Movila to be the prince in 1598, and he was the brother of Ierimia, the prince of Moldavia, "so that we can be together in unity with Wallachia since we all have the same language and law," words which through the ages would be repeated by the Muntenians in 1821. The act of the Union of 1600, achieved under the scepter of Mihai Viteazul, who became the symbol of the efforts and sacrifices dedicated to the national-political union, cannot be understood correctly and fully without persistence of Romanian ethnic awareness.

Scholars of the 17th century and then Dimitrie Cantemir and the Transylvanian school gave a new dimension--a scientific one--to the concepts of ethnic unity and country, providing an impetus for the power of comprehension toward the area of national awareness. In precisely that century, the 18th, one of grave danger to state autonomy, the struggle for union and independence was reinvigorated and raised to the rank of advice preached by the most enlightened minds of the time. In a Europe on the path of defining itself in modern terms, the Romanians were invoking capitulation and were demanding national rule and the union of the principalities under European guarantee. The union of the principalities was placed into discussion at the peace congress of Nyemirov (1737) and renewed in a European view through the plans to reestablish Dacia. The revolution led by Horea and "Supplex Libellus Valachorum" gave a precise outline to a Romanian national problem--in other than traditional terms--in the Hapsburg Empire, too. However, the picture would be incomplete and false if we did not also recall the big role played by the Romanians in the big anti-Ottoman battles of the medieval age up to the volunteers of the 18th and 19th centuries, battles in whose shelter Europe was protected from direct and devastating blows. The bloody confrontations only strengthened the natural and historic tendencies of the Romanian people toward union and independence.

The revolution of 1821 (the Romanians' second mass rise to arms at the dawn of the modern age, following the Transylvanian revolution of 1784) opened the period of full maturization of the movement for social and national emancipation which embraced all the possible paths and means of demonstration, peaceful and violent, within the country and outside it, verbally and in writing, legally and illegally. It is the age of knitting together the national doctrine of Daco-Romanianism, of formulation and attempts to implement the program to abolish feudalism and build a modern and independent Romania.

The years of the 1848-1849 revolution are the result of 1821, the product of an interstice of social and national upsurge. The Romanians' geopolitical situation then, however, made any open attempt of the Romanians at state union and independence not only impractical but also potentially dangerous. Although these latter goals were propagated by the press, brochures, memoriums, propaganda sheets in the country and abroad, although the union was negotiated in Constantinople, Vienna and Frankfurt, the leaders of the Romanian revolution of 1848-1849 rightfully found their immediate official demand untimely. But whereas, as Balcescu said, "the circumstances did not permit" the 1848 revolutionaries to proclaim the union officially, they did not lose sight of it for one moment, aware that--as that same revolutionary visionary foresaw in 1849--the Romanians still had two revolutions to accomplish: national unity and independence, which were achieved 10 and 28 years later, respectively.

This is proven by the fact that the struggle to create the national state through the union of Moldavia with Muntenia dominated the 1850's. This finding requires two explanations. First, under conditions of tsarist, Ottoman and Hapsburg opposition, Moldavia's union with Muntenia could not have been more than an intermediate, required and basic step along the path of completing the process, through union to the new state and the other Romanian territories. Second, the priority given the national struggle did not exclude social emancipation but inevitably involved it, included it.

The lessons of 1848-1849, the counterrevolutionary role of the big neighboring powers, whose unwarrantable interference was merely restricted by their own contradictions, proved the priority need for creating the Romanian national state as an indispensable means by which the Romanians themselves could initiate, govern and defend the country's complete change and its advance into the family of modern sovereign states. Formation of the Romanian national state, however, meant changing the international political-legal statute of the principalities, which affected the tsarist protectorate, the Ottoman suzerainty, the interests of the Hapsburg Empire and it involved all the guarantor states of the integrity of the Ottoman Empire. That is why the triumph of the Romanian cause to a large extent was conditioned by the appearance of a favorable series of international circumstances.

It was produced by the 1853 reopening of the "Eastern question." The development and conclusion of that phase of the crisis are well known. We merely shall note that the moment found the Romanians in full national offensive (they did not miss even two attempts at insurrection), that the tsarist protectorate was abolished and replaced with the guarantee of the states signing the Paris peace treaty (March 1856), a separate guarantee from Turkey (tacit recognition that the Romanian principalities were not an integral part of the Ottoman Empire), that the Romanians again would have their particular legal-political status, administration and national public life recognized and that, above all, the big powers made use of an innovation in the diplomacy of the modern era: consulting the will of the Romanian people in connection with their political future. The Romanians knew how to use that chance, placing a series of completed facts before the big disunited powers. Primary among them, the union of the principalities by Alexandru Ioan Cuza was followed by others, which completed the act of 1859. The fact that the "matter" of the principalities was debated in a series of international meetings caused some foreign historians to attribute a predominant and exaggerated role to the latter in the formation of the modern Romanian national state. Without minimizing their importance, we cannot help but stress the basic truth found in full agreement with historical reality--that the Romanians were the ones who decided their own political fate. Neither the Vienna conference (March 1855), the Paris peace congress (February-March 1856), neither the Paris conference of May-August 1858 "gave" the Romanians the union, and independence even less so. What is more, the double election of Al. I. Cuza was produced by violating the prescriptions of the Paris Convention of August 1858. As we know, annulment of the falsified elections for the ad hoc Iasi meeting in the summer of 1857 was the result of the Moldavians' abstaining from the vote and thwarting with their own forces the plot scraped together and directed by the anti-unionist powers, which gave the year 1857 an importance comparable to that of 1859.

It was no secret, as abundantly proven by documentary sources of the time, in particular including reports of the foreign counsels in the principalities, that the Romanians were not thinking just of the accomplished fact of the union of Moldavia with Muntenia but also the creation of an independent Romanian state which would include all conationals outside the borders. Their just struggle and their legitimate aspirations were to triumph six decades later through creation of the united national Romanian state--on 1 December 1918.

The historic victory of the Romanian people and creation of the national state opened for the country a new path for its existence and placed powerful bases for the development of modern Romania. For that reason, we today, as Comrade Nicolae Ceausescu, the party's secretary general, said, "with recognition turn our thoughts toward all those who throughout the ages dedicated their lives to this ideal and we are paying vibrant homage to the broad popular masses, the progressive militants who were the true creators of the united national Romanian state."

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## REACTIONS TO LAW ON LEGAL STATUS OF RELIGIOUS COMMUNITIES

Sarajevo OSLOBODJENJE in Serbo-Croatian 13 Feb 84 p 2

[Article by Lj. Smajlovic: "Neither in Partnership Nor Sectarian"]

[Text] Some think that it is too restrictive with regard to religious freedoms, others that it is too liberal, but the conviction that it should not be changed is the predominant one. We are talking about the Law on the Legal Status of Religious Communities in the Socialist Republic of Bosnia-Herzegovina, which establishes the basic principles of relations between the state and the religious communities, that is, freedom to profess to a religion or not, separation of religious communities from the state, freedom to establish religious communities, freedom to perform religious rituals and duties, freedom of religious instruction, etc.

### Separation--Major Principle

It is apparent where the problem lies. The law establishes only the basic rights, duties, and responsibilities, but does not give precise answers to questions imposed by the demands of everyday life with respect to religion and the activities of the religious communities. Thus, while the religious communities say that the act is too restrictive, individuals and groups from public agencies claim that the law provides excessive rights and freedoms to religious communities, and they call for more restrictive relations. Thus, some remarks show a clerical bias, and others one that is sectarian.

The law and its applications came up on the daily agenda at the most recent session of the Assembly by normal means, from the program of activity. This does not mean that the conflict arose because of forced consideration of this problem at this time. The concluding remarks of Misa Vucicevic, president of the Commission of the Executive Council for Relations with Religious Communities, attest to this. He said, "in spite of the Republic's specific situation regarding the activities of the three major religious communities and of the dozen or so other religious communities, and in spite of all the complexities of these relationships, there are no aberrations or problems that might cause major social difficulties and endanger the further successful development of relationships based on the principles of the Constitution and of this law."

The major area of concern in relationships between the state and the religious communities is separateness. From this area of concern comes the evaluation

that respect for the law and activities which are in accordance with it have occurred to the greatest extent when there has been a greater respect for the principle of separateness in these relationships, while deception and conscious violation of the law have been more frequent when the principle of separateness, independence, and responsibility of the religious communities and the state has not been respected, and when either the clericalist or the dogmatic-sectarian tendency has become strongly pronounced.

#### Satisfactory Framework

We are all equal before the law. This is a maxim which must be consistently respected, perhaps in this area more than in any other. For this reason, at a meeting of the Social-Political Council of the Bosnia-Herzegovina Assembly, it was stated loudly and clearly that we must be equally resolute and rigorous both toward illegal actions of individuals from the religious communities, as well as toward actions of individuals from institutions that are part of the political system, when their actions are not in accordance with the law. Thus, it was noted that in some places methods of administration in relations with religious communities predominate in which there is no communication with religious officials, not even when there are specific questions and demands, and examples exist which show that administrators acted from a position of authority even when there was no need for this. Naturally, this is later used by clerically inclined individuals especially for developing the thesis concerning the competence of the religious communities, concerning believers as citizens of another class, etc.

Construction activity of religious communities is a good example of this. Muhamed Basic warned of a phenomenon in which authorized organs of government forwarded specific demands of religious communities to political organizations, first of all to the Socialist Alliance, so that there they would evaluate whether or not the demand should be responded to positively. It is especially dangerous if we bring the religious community into contact with social-political organizations because in this way we give them the idea that it is not a question of how to have a certain claim implemented on the basis of regulations, but that it is possible "to come to an agreement politically" on everything. This leads directly to a partnership of the religious communities with the political system, and the most militant individuals from the religious communities, whom we call clericalists, or, clerical-nationalists, want precisely this, to be the representatives of believers in the institutions of our political system. Believers are already an integral part of the Socialist Alliance, with the same status as all other citizens.

For this reason, the Bosnia-Herzegovina Assembly has called on all organs of government to respect the law strictly and to behave consistently in accordance with its regulations. This also means that it is required of them to prevent, with full justification and without any exceptions, without hesitation, every illegal activity of religious communities, or abuse of religion for political ends, no matter from where it comes.

It was also stated that the law on the Legal Status of Religious Communities is a satisfactory framework for freedom of activity of religious communities and for satisfying the religious needs of believers who are citizens. This is best attested in practice by the majority of religious officials and believers by their positive relationship to this law.